



REPORT TO THE LEGISLATURE

Special Education Safety Net Study

2018

Authorizing legislation: House Bill 2242, Sec. 408 (2017)
(<http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/House/2242.SL.pdf>)

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Executive Summary

Safety Net funding is available to local education agencies (LEAs) that demonstrate a need for special education funding in excess of state and federal funding available to the LEA. The Office of Superintendent of Public Instruction (OSPI) publishes an annual Safety Net bulletin and application forms.

[House Bill 2242, Sec. 408 \(2017\)](#) directed OSPI to:

- Review the current Safety Net process,
- Make recommendations of possible adjustments to improve the Safety Net process; and
- Evaluate the appropriate funding level to meet the purpose of Safety Net.

Safety Net has been available in some form since the 1996–97 school year. The State Safety Net Oversight Committee has awarded more than \$560 million in state and federal Safety Net funding since that time.

In September 2017, Superintendent of Public Instruction Chris Reykdal selected a diverse workgroup of 21 individuals from around the state with knowledge of special education program delivery and funding to perform the requested study. The Superintendent carefully reviewed and considered the outcomes of the workgroup and the approved recommendations fall into two groups:

- Changes to the process that do not have a fiscal impact and are included in draft revisions to Revised Code of Washington (RCW) and Washington Administrative Code (WAC), where appropriate. These changes include, but are not limited to:
 - definition updates,
 - modifications to the review process,
 - timeline adjustments,
 - increased technical assistance, and
 - changes to committee decision language.
- Changes that have a fiscal impact include changes to the special education multiplier, increased full-time equivalent (FTE) for Safety Net, and development of an electronic submission process.

Introduction

The purpose of this report is to summarize the efforts of the Special Education Safety Net Legislative Workgroup between October 2017 and August 2018, as well as to describe the recommendations for changes.

[House Bill 2242, Sec. 408 \(2017\)](#) directed the Office of Superintendent of Public Instruction (OSPI) to review the current Safety Net process, make recommendations of possible adjustments to improve the Safety Net process, and to evaluate the appropriate funding level to meet the purpose of Safety Net. House Bill 2242 (2017) required the Superintendent to submit recommendations to the governor, as well as the legislative education and operating budget committees by November 1, 2018.

Additionally, in a letter dated August 29, 2017, the Education Funding Task Force requested the [special education cost] multiplier and the process local education agencies (LEAs) use to account for special education expenses be examined and an interim report be submitted to the Legislature in January 2018.

A Safety Net Legislative Workgroup was formed in the Fall of 2017. The workgroup, after analyzing Safety Net trends and fiscal data, developed a set of draft recommendations to address the legislative requests, including the:

- Purpose of Safety Net
- Funds used to support Safety Net
- Definition of a high needs student application
- Safety Net application process
- State Safety Net Oversight Committee and application review process
- Safety Net decisions and funding to LEAs
- OSPI technical assistance for Safety Net process
- Revision to special education funding multiplier of .9309

In July through August 2018, draft recommendations were disseminated through multiple avenues, including posting on the OSPI website; OSPI' social media; and through email to Washington state professional organizations for education leaders and staff, LEAs, legislative staff, the Special Education Advisory Council (SEAC), and parents and guardians of students with disabilities. Following the public input period, the Safety Net Legislative Workgroup met at the end of August to amend the draft recommendations, as appropriate, based on the public input.

In the Spring of 2018, [Senate Bill 6362 \(2018\)](#) established December 1, 2018 as the date by which rules and procedures necessary to administer the special education funding and Safety Net award process, including revisions to Community Impact funding, shall be reviewed and revised.

Workgroup Formation

In September 2017, Superintendent Reykdal selected a diverse workgroup of 21 individuals from around the state with knowledge of special education program delivery and funding to perform the requested study. See Appendix A.

Workgroup Values

During the first meeting of the Safety Net Legislative Workgroup, members discussed the purpose of the workgroup, and, in an effort to ensure their recommendations addressed the needs of the state, local education agencies (LEAs), and students with disabilities, identified the values of the group. These values are represented within the recommendations, and are summarized in the following manner:

- Washington students with disabilities are basic education students with special education needs determined by the individualized education program (IEP) team and documented within their IEP.
- These services must be provided in the least restrictive environment (LRE) for each student, which causes variation in staffing needs, and placement, depending on the LEA.
- LEAs must be provided the financial support to address student-specific needs immediately, while also receiving additional financial support to increase the capacity of their staff to provide a greater range of inclusionary options (e.g., increased access to non-disabled peers) for each student.
- In order to access Safety Net funds, LEAs must submit an application that is complete and accurate, including documentation of the expenditures to provide the student with a free appropriate public education (FAPE). However, the application process should be streamlined and reasonable so there is not a burden placed on LEAs seeking financial support.
- Finally, the data reflecting trends in Safety Net expenditures and services should be examined to ensure the process is operating efficiently and serving its intended purpose.

Workgroup Efforts

The Legislature required the superintendent of public instruction consider and make recommendations to improve the Safety Net process in the following areas:

- Whether fiscal components in addition to or in place of the fiscal components of community impact and high need students should be considered by the State Safety Net Oversight Committee when making Safety Net awards, including:
 - Should a local education agency (LEA) be able to access the Safety Net when an LEA’s enrollment of students with disabilities exceeds the statutory limit of thirteen and five-tenths percent (13.5 percent);
 - Should the definition and the limitation on the amount provided for high need students be adjusted; and
 - Should an LEA have access to the Safety Net when it has disproportionate concentrations of students with higher than statewide average costs, but the students do not meet the threshold for high need awards; and
- How the process can be improved, including how the superintendent can best provide technical assistance to LEAs that file incomplete applications, and how the timeline can be changed to provide sufficient time for an LEA to resubmit a complete application.

The superintendent of public instruction may consider other topics deemed relevant by the superintendent that achieve the goals above.

Greg Abell from the Sound Options Group facilitated the Workgroup meetings.

Table 1: Workgroup Efforts

Date	Agenda	Materials Presented
10/25/2017	Introduction to assignment, planning	RCW 28A.150.392 WAC 392-140-600–685 Historical Safety Net applications and awards data
11/30/2017	Review of other states’ special education funding mechanisms and high need programs Brainstorm recommendations	<i>State Funding for Students with Disabilities: All States All Data</i> (June 2015)

Date	Agenda	Materials Presented
	<p>Discussion regarding possible other components of Safety Net, definition of high need individual and threshold, and improvements to the Safety Net process</p> <p>Discussion regarding solicitation of recommendations from local education agencies (LEAs)</p>	<p>Summary displaying fiscal range of individual high need applications</p> <p>Historical display of high need individual application threshold and basic education allocation</p> <p>Safety Net Survey Gizmo document</p>
12/1/17, 12/6/17, 12/15/17	Survey presented at regional special education directors meetings	Approximately 140 comments received (See Appendix F)
12/2017 – 4/2018	Reminder in the OSPI Special Education Monthly Update that the survey was posted on the Special Education homepage	Safety Net SurveyGizmo document
11/16/17, 12/1/17, 12/6/17, 12/15/17, 1/17/18, 1/19/18, 1/25/18	Purpose of Legislative Workgroup and survey presented at regional Safety Net trainings	Safety Net SurveyGizmo document
2/15/18	Discussion regarding barriers experienced by LEAs that do not access Safety Net funding, adjustment to the multiplier(s) that make a significant financial difference to LEAs, and impact to LEAs if Safety Net was entirely state-funded instead of a combination of state and federal funding	<p>Q and A document from questions on 11/30/17</p> <p>Legislative Interim Report House Bill 2242, Sec. 408 (2017)</p>
4/30/18	Continued discussion regarding a state-funded Safety Net program, impact to	None

Date	Agenda	Materials Presented
	<p data-bbox="358 247 954 327">maintenance of effort, and LEA's capacity for funding.</p> <p data-bbox="358 359 954 485">Discussion about the adequacy of Safety Net funding and plan of action if sufficient funding is not provided</p>	
6/13/18 – 6/14/18	<p data-bbox="358 520 954 600">Review 2018–19 Safety Net applications for high needs students for trends</p> <p data-bbox="358 632 954 716">Public comment period on Safety Net process</p>	<p data-bbox="984 520 1367 688">Applications and Workgroup recommendations on funding</p> <p data-bbox="984 720 1367 762">No public input received</p>
6/20/18	<p data-bbox="358 793 954 919">Discussion on draft recommendations for Safety Net and state special education funding changes</p>	<p data-bbox="984 793 1367 1035">Draft recommendations Draft changes to Revised Code of Washington (RCW) and Washington Administrative Code (WAC)</p>
7/12/18 – 8/7/18	<p data-bbox="358 1066 954 1150">Public comment period on Safety Net process</p>	<p data-bbox="984 1066 1367 1108">Draft recommendations</p>
8/24/18	<p data-bbox="358 1171 954 1255">Safety Net Legislative Workgroup finalized recommendations</p>	<p data-bbox="984 1171 1367 1350">Draft recommendations Public input received Models of tiered multiplier</p>
8/31/18	<p data-bbox="358 1381 954 1507">Safety Net Legislative Workgroup submits recommendations to Superintendent Chris Reykdal</p>	<p data-bbox="984 1381 1367 1465">Safety Net recommendations</p>

Workgroup Outcomes

After careful review and discussion, the Workgroup proposed the following recommendations to Superintendent Chris Reykdal:

Purpose of Safety Net Funds

Pursuant to Revised Code of Washington (RCW) 28A.150.392, Safety Net funds must be made available to LEAs “with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A-150.390.”

The Workgroup recommends that the purpose of the Safety Net remain the same, with this clarification: to reimburse LEAs for their expenditures in excess of all state and federal funding available for special education services to students with disabilities, per Individualized Education Programs (IEPs), as documented through IEPs and review of fiscal evidence. The Workgroup requests the use of the term “reimbursement” rather than the current term “award” to reflect the nature of the process and impact on LEAs and modify throughout applicable RCW 28A.150.392 and Washington Administrative Code (WAC) 392-140-600, 602, 605,616, 617, 626, 660, 675, and 685.

Funds Used to Support Safety Net

Safety Net awards are provided to LEAs using a combination of federal Individuals with Disabilities Education Act (IDEA) funds and dedicated state funds (2018 Supplemental Operating Budget – Senate Bill 6032, Section 507 [7]). For fiscal year 2019, the Safety Net allocation is \$35,952,000 of the general fund-state appropriation. For the 2017–19 biennium, the state dedicated \$29,574,000 of federal IDEA funds solely for Safety Net. Using the state allocation for fiscal year 2019 plus half of the biennial federal allocation, the total funding dedicated solely for Safety Net awards in the 2017–18 school year is \$50,739,000.

In the spring of 2018, there were requests from 121 LEAs, including an Educational Service Agency (ESA) with 27 LEA members, totaling \$71,239,947. There is no limitation to the number of high need individual applications an LEA may submit if the LEA demonstrates capacity, meets the threshold, and provides documentation of expenditures.

Safety Net is a basic education program within the Special Education Programs section of the budget. It is an allowable use of the non-proviso appropriation in this section of the budget. In the event that the state Safety Net proviso is insufficient to address all approved requests, OSPI will expend appropriated state special education funds to supplement the Safety Net funding. Each year through the regular budget request process, OSPI communicates to the Washington Office of Financial Management (OFM) and the Legislature the funding levels needed for the current fiscal year as well as information to forecast the need for future years. The Legislature uses this information and provides transfer authority among basic education programs to ensure appropriations are adequate for basic education.

Table 2: Requested and Funded Safety Net Amounts

	Total Requests	Total Approved	State Funded	Federal Funded
2017–18	\$71,436,807	\$57,784,712	\$40,195,429	\$17,589,283
2016–17	\$61,476,206	\$49,642,945	\$31,109,569	\$18,533,376
2015–16	\$49,856,692	\$41,926,009	\$24,473,000	\$17,453,009
2014–15	\$43,573,628	\$34,254,624	\$20,691,187	\$13,563,437
2013–14	\$42,682,006	\$33,830,159	\$19,948,572	\$13,881,587

Source: Safety Net Database

Safety Net awards are determined using expenditures and do not account for the state’s prototypical school funding formulas or special education excess cost funding model.

The provision of federal IDEA funds carries with it a requirement for LEAs to expend at least three times the average per pupil expenditure (APPE¹), as a cost threshold prior to being able to receive federal Safety Net awards. The state has the authority to lower the APPE threshold with the use of state resources. Since school year 2012–13, the threshold has been set at 2.7 times APPE through the use of state Safety Net funds.

The fiscal needs of LEAs vary depending on the size, location, capacity, and individualized needs of enrolled students receiving special education services. In 2015–16, LEAs’ average special education per pupil costs ranged from \$1,842 to \$26,548 per student to provide services included within their IEP. State and federal funds are used in combination by LEAs to provide services per IEPs. State funds, (i.e., basic education funds, special education funds, and other applicable categorical program funds) are intended to address educational needs of students with disabilities. LEAs are expected to access all available sources of revenue prior to accessing Safety Net.

The Workgroup recommends that the Safety Net process use only state funds, and that the \$14,787,000 of federal IDEA funds reserved each year remain with other IDEA funds, allocated to the Office of Superintendent of Public Instruction (OSPI) for administration and state-level

¹ APPE is calculated according to the formula described in Sec. 7801 (2) of ESSA using (i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State; plus (ii) any direct current expenditures by the State for the operation of those agencies; divided by (B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year

activities, with the majority flowed-through to LEAs according to the IDEA funding formula. This would serve several purposes:

- Provide additional IDEA funds to LEAs for ongoing reimbursement based upon LEA expenditure timeframes. Redistribution of these funds ranges from a few thousand dollars to several hundred thousand depending upon the size of the LEA. See [Appendix B](#) for amounts by LEA.
- Removing federal funding from the Safety Net formula would allow a state-determined threshold to be established when the LEA's special education expenditures exceed special education revenue and the LEA demonstrates capacity for Safety Net reimbursement. Reduction or complete removal of the threshold would address the need from LEAs who have a concentration of high cost students whose costs do not currently exceed the 2.7 APPE threshold. This would also address the potential impact of the increased salaries in some LEAs due to the small schools factor and specialized regional programs, which may inflate the threshold beyond that attainable by other LEAs.

The Workgroup recognizes the short- and long-term fiscal impacts of the increased use of nonpublic agencies (NPAs) to support students with significant behaviors, and considers the need for LEAs to have other sources of additional funding to develop internal capacity of staff (including paraeducators) by providing training and recruiting specialized staff. The workgroup is not recommending an increased use of contracted services, yet recognizes that individual student needs may require it in some instances.

The Workgroup recommends technical assistance to LEAs on the impact on Maintenance of Effort (MOE) for escalating costs within the special education program, including the costs of contracted services.

The Workgroup recognizes a need to increase professional development and training of school faculty and staff, including paraeducators and Educational Staff Associates, to work with students with significant behavioral needs. The intent is to build capacity for in-district programs that maintain a safe and productive educational environment for all, while reducing out-of-district placements and staff injuries.

The Workgroup also requests that the Legislature commit to fully funding the needs of students with disabilities each school year. In the unlikely event that obligations cannot be met in the needed timeframe, the following options could be used temporarily by OSPI until the remaining funding is provided by the Legislature. Options include, in order of Workgroup preference:

- Proration to all LEAs with funding released first to LEAs with 2,000 pupils or fewer.

- *Proration of all recommended funding to LEAs equally. For example, if the Operating Budget allocation of state and federal funding is only 70 percent of the recommended reimbursement as approved by the Committee, each LEA would receive 70 percent of the recommended reimbursement approved by the Committee.*
- *Distribution of funding based on demonstrated capacity on Worksheet A expressed as a percentage of the LEA's total special education program expenditures. Funding should be prioritized to go to those LEAs with the largest unfunded percentage first.*

Definition of a High Need Student Application

Pursuant to WAC 392-140-616, the current definition of a high need student application requires the applicant to “convincingly demonstrate to a majority of the State Safety Net Oversight Committee members” that:

- The IEP is properly formulated consistent with WAC 392-14-609.
- Costs are associated with the provision of direct special education and related services identified in the IEP and are quantifiable by the Committee.
- Costs exceed the threshold set by OSPI.
- The threshold is prorated for students not served by the applicant on all nine enrollment count dates.

Current practice is to prorate applications for inaccurate amounts (e.g., requests do not correspond with billing receipts) or services that should be billed to other programs (e.g., transportation or school nursing). Additionally, prorating occurs for contracted billing adjustments if the LEA has a contract that allows reductions for cancelling services within a specified time due to unanticipated circumstances (e.g., inclement weather, utility failure, or illness).

The Workgroup recommends that the High Need Student Application definition be amended to modify the “properly formulated IEP” language, which is addressed in detail in the Safety Net Application Process section below.

The Workgroup also recommends that current OSPI practices for fiscal adjustment be continued.

Safety Net Application Process

Per WAC 392-140-605, LEAs apply for Safety Net funds through an annual application process using Form SPI 1381 according to the schedule published in the annual OSPI Safety Net Bulletin. LEAs may apply for high needs student(s) and/or Community Impact factor(s), and must have billed for federal Medicaid for eligible services prior to requesting Safety Net awards. Worksheets A and C are used to calculate capacity of the LEA (e.g., maximum amount of reimbursement eligibility) and ensure that the IEPs are “properly formulated.” Washington

Administrative Code 392-140-609 requires “properly formulated IEPs” that contain all required state and federal elements of an IEP, as per [an OSPI-developed review checklist of up to 32 items](#), depending upon the age of the student. Local education agencies report dedicating a significant amount of staff time to preparing applications and reviewing IEPs prior to submission to OSPI. A vendor survey conducted with a subset of LEAs demonstrates that the majority of LEAs report spending over 20 hours preparing their Safety Net applications annually. OSPI continues to emphasize the importance of compliance with IDEA requirements and special education WACs. The Office of Superintendent of Public Instruction also recognizes that compliance is a general supervision responsibility which is reviewed through multiple avenues (e.g., Washington Integrated System of Monitoring [WISM], dispute resolution, Washington State Auditor’s Office), and is not limited to the Safety Net process. Individualized Education Programs submitted through Safety Net by LEAs are still expected to meet all requirements of IDEA.

The Workgroup recommends that the Safety Net application process be amended and streamlined in the following ways to reduce the impact on staff preparation and increase applications from LEAs with limited staff capacity:

- *Permit Safety Net reimbursement of approved high needs student applications to LEAs with demonstrated capacity for funding and approved applications, regardless of if the LEA’s enrollment of students with disabilities exceeds the statutory limit of 13.5 percent.*
- *Transition from a paper application to an electronic process using a secure file transfer protocol, which allows submission, review, tracking, and approval decisions by LEAs and OSPI. This process should begin during the 2018–19 school year and will require additional funding support for implementation by 2021–22. A request for legislative funding of \$102,000 is included in OSPI’s 2019–21 biennial budget for anticipated project completion by the 2021–22 school year.*
- *Allow LEAs to either submit verification of Medicaid billing of applicable high needs applications for Safety Net, or receive a deduction calculated by OSPI based on reimbursement potential of services provided by a qualified biller. This will allow flexibility for LEAs deciding not to pursue Medicaid reimbursement due to lack of staff capacity to process Medicaid claims or staff meeting the federal and state licensure and certification requirements from the Health Care Authority. The Office of Superintendent of Public Instruction will calculate a deduction amount per Educational Staff Associate type, based upon annual reimbursement rates for the state for the previous year. Implementation of this recommendation would require a revision to RCW 28A.150.392 (2)(d), WAC 392-140-626 (1), and WAC 392-140-675 (1).*

- *Request that OSPI work with the Health Care Authority (HCA) to consider ways to decrease the Medicaid reimbursement burden on LEAs.*
- *Add to the current two categories of Safety Net (i.e., High Need Student(s) and Community Impact Factor(s)) an additional category (i.e., High Need Student(s)) for students with disabilities served in residential schools as defined in RCW 28A.190.020, programs for juveniles under the Department of Corrections, and programs for juveniles operated by a city or county jail to the extent they are providing a program of education for students enrolled in special education.*
- *Add language that permits the inclusion of the portion of a supplemental contract on Worksheet C if the supplemental contract stipulates direct special education or related services to students with disabilities. It is the responsibility of the LEA to provide evidence of the applicable supplemental contract within the application. Supplemental contracts must be issued for additional time, additional responsibilities, or for incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation (RCW 28A.400.200 [4]).*
- *Modify current language requiring a "properly formulated IEP" to include a review of a sample of IEPs for each LEA that has not had IEPs reviewed through the Washington Integrated System of Monitoring (WISM) process within the past two years or any unresolved audit issues related to special education that are material in nature. The Office of Superintendent of Public Instruction (OSPI) determines the areas of review and publishes the areas in the annual Safety Net Bulletin. Sample sizes will be determined based on data collected by OSPI demonstrating LEA compliance history and statewide areas of needed improvement. Areas of review for the Safety Net process would be the same across all applications for the school year and all high needs applications would still need to include a copy of the IEP.*
- *Modify Community Impact application language in WAC 392-140-617 to:*
 - *Clarify that it pertains to the extraordinary costs associated with communities that draw a larger number of students with disabilities in need of special education services "to the LEA, based on current unique attributes of that LEA that are not related to LEA philosophy, staffing decisions, or service delivery choices."*
 - *Clarify, as required in HB 2242 Section 408 (2017), that Safety Net Community Impact applications cannot be submitted if the LEA is receiving state special education funding for each student (i.e., the LEA is under the 13.5 percent funding index) and the LEA demonstrates capacity for Safety Net reimbursement. Instead, the high needs student application process will be used to request reimbursement.*

- Clarify that all LEAs receiving Part B IDEA funds and demonstrating capacity for funding with an unmet need for special education funding are eligible to apply for Safety Net reimbursement.
- Add new section to WAC to define standards for Safety Net High need student(s) applications for students served in residential schools, programs for juveniles under the Department of Corrections, and programs for juveniles operated under city and county jails, as newly required in Senate Bill 6362, Section 106 (2)(g) (2018).

State Safety Net Oversight Committee and Application Review Process

Currently, OSPI staff and State Safety Net Oversight Committee members review (and cross-review) each individual application to confirm calculations and IDEA compliance. Reviewing each application and subsequent paperwork consumes hours of OSPI staff time per application. In 2018, there were 3,016 applications, which took over 3,200 hours of OSPI staff time and 700 hours from the State Safety Net Oversight Committee’s subsequent reviews. Membership of the Committee is defined in WAC 392-140-640, which allows flexibility in the membership and terms. During scheduled meetings, members discuss the result of the reviews of each application by LEA, and recommend awards based upon the application, fiscal verification, and findings of IEP noncompliance. Local education agencies are not awarded any Safety Net reimbursement for IEPs found not properly formulated. Applications are adjusted for fiscal calculation errors.

Safety Net rules also require OSPI special education staff review each LEA’s fiscal application against the actual final school year enrollments, all available revenues, and expenditures reported by the applicant. Based on the results of the review, the Safety Net allocation for the school year may be adjusted or recovered.

Table 3: 2017–18 High Need Individual Application Decisions

	Number of Applications	Percent of Applications
Total High Need Individual applications funded	2,793	92.6%
Number not funded due to IEP noncompliance	132	4.3%
Number not funded because High Need Individual application did not exceed threshold of \$30,316	78	2.6%
Number not funded because LEA did not demonstrate capacity for funding on Worksheet A	13	0.5%
Total High Need Individual applications submitted	3,016	100%

Source: 2017–18 Safety Net Database

Of the 3,016 high need individual applications submitted for Safety Net reimbursement in 2017–18, 92 percent (2,793) were approved for funding. Issues of noncompliance were identified in only 132 applications. Local education agencies are required to correct all areas of noncompliance, which are frequently related to measurable annual goals or clarification of summary of services, within one year from date of notification.

The Workgroup recommends that the application review process be amended and streamlined in the following ways:

- *Revise the order of Safety Net application reviews so high need student applications are reviewed first, followed by Community Impact applications, in compliance with current RCW. Revise WAC 392-140-646 to modify the funding recommendations from the State Safety Net Oversight Committee to include:*
 - *Recommendation for conditional approval,*
 - *Recommendation for adjustment on amount and conditional approval,*
 - *Recommendation for disapproval, and*
 - *Recommendation for conditional pro-rated funding to address findings of noncompliance. The final option allows for pro-rating of reimbursement for IEPs with findings of noncompliance, which will allow State Safety Net Oversight Committee members to potentially provide a partial reimbursement for the portion of the delivered services aligned with a compliant portion of the IEP.*
- *Analyze the annual Safety Net data to identify trends and patterns in requests and funding, such as race and ethnicity, disability category, and gender, as well as trends in the use of nonpublic agencies and paraeducators. Use the data to identify representation needed on the State Safety Net Oversight Committee.*

Safety Net Decisions and Funding to LEAs

Washington Administrative Code 392-140-656 describes the process for LEA appeals of a Committee decision (i.e., request for review and reconsideration) and provides a comprehensive list of acceptable reasons for which LEAs may appeal timelines. It also specifies that only the original LEA application may be reviewed during an appeal.

The Workgroup recommends the process for Safety Net decisions and funding to LEAs be amended and streamlined in the following ways in order to permit additional flexibility for LEAs and additional authority to the Committee to address LEA-specific needs:

- *Allow the State Safety Net Oversight Committee to review the submission of additional documentation if specifically requested by the Committee during the initial review and included in the OSPI conditional decision letter. This should be limited to unique circumstances and should not be an expectation from LEAs, in order to ensure complete*

applications are submitted during the initial review. This flexibility will allow the Committee to make case-by-case decisions based upon their expertise.

- Allow LEAs to request reimbursement by the specified date in the annual Safety Net Bulletin for students enrolling in the LEA, significant change in placement, or accessing Extended School Year (ESY) after the Safety Net deadline.*
- After a second review by the Committee, the Committee will provide final funding recommendations to the State Safety Net Oversight Committee Manager. Office of Superintendent of Public Instruction Safety Net staff will review and process all decisions. If OSPI Safety Net staff identify an error within the current budget year that results in non-funding or adjustment to the requested amount, the issue will be returned to the State Safety Net Oversight Committee for an additional review.*
- The Office of Superintendent of Public Instruction staff consider methods to request Safety Net applications from LEAs earlier in the school year to allow the 20-day request for reconsideration process be extended to 30 days.*

OSPI Technical Assistance for Safety Net Process

Currently, the Legislature provides \$256,000 for 2.0 full-time equivalent (FTE) staff at OSPI to support the work of the State Safety Net Special Education Oversight Committee and provide training and support to LEAs applying for Safety Net. These staff publish an annual Bulletin and provide presentations on application requirements and common mistakes to LEA and educational service district (ESD) special education directors and business officers. Additionally, staff provide one-on-one technical assistance to LEA staff upon request, either in person or by phone. Detailed technical assistance documents are also available on the OSPI Safety Net webpage. A survey is conducted annually with all LEAs to solicit input on the process, as well as recommendations for improvements.

The Workgroup recommends the:

- Annual Safety Net Survey be amended to collect anonymous input from LEAs on specific activities that could be improved to assist LEAs with completing accurate and complete applications.*
- Data from the previous Safety Net process, including final decisions of noncompliance and fiscal adjustments, be summarized and provided to LEAs in advance of the next process within the Safety Net Bulletin and at the end of the school year to use in preparing for summer and fall staff training.*
- OSPI staff request identified missing documentation from LEAs prior to State Safety Net Oversight Committee reviews, if identified during an initial review.*
- Legislature increase OSPI Safety Net staff to 3.0 FTE. The majority of the OSPI staff responsibility falls within a seven month period (February–August) for reviews of*

applications; the remaining five months are focused on technical assistance to LEAs. This increase of 1.0 FTE will allow time for additional training and technical assistance, as well as time to analyze Safety Net data for future revisions to the process.

- Legislature or OSPI reconvene the Safety Net Legislative Workgroup to examine the results of implementation of these recommendations and determine if further changes are needed. Consider expanding the Workgroup to include educator representatives, specific to educators with Safety Net experience.

Revision to the Special Education Funding Multiplier of .9609

While not part of the Safety Net process, the Superintendent was asked to review and make recommendations regarding the state special education excess cost funding multiplier. The special education excess cost multiplier, which is used to calculate the special education per pupil allocation, was established in 1995. The purpose of the multiplier is to ensure students with disabilities are classified as 'basic education' students first, and as a class, are entitled to their full basic education allocation. The excess cost multiplier provides funding for special education and related services in excess of the funding provided through basic education. This excess cost method is reflective of a four-part decision issued in *Doran III* (1988). This information is summarized in 2009 Organization and Financing of Washington Public Schools, page 22. The decision:

- Accepted that no single formula component acts alone; rather, the formula components act as a whole to generate a pool of funds;
- Stated that no particular formula should be set in "constitutional concrete," and that recognition of practical and public policy considerations by the Legislature must be considered from time to time;
- Refuted the assertion that the special education program funding formula must single-handedly fund both direct and indirect costs; and
- Concluded that some form of "Safety Net" be devised and implemented to provide supplemental funding to LEAs in need.

The special education excess cost multiplier was originally set at .9309 of the basic education allocation, but then was increased to .9609 in the 2018–19 school year.

The per pupil special education allocation is determined by multiplying the LEA's basic education allocation (BEA) per full-time equivalent student by .9609 and then subtracting the LEA's federal funds integration rate per student. This information is captured on Report 1220.

In *McCleary v. State of Washington*, 2017, the Washington State Supreme Court wrote "if a student's needs do not cost the full allocated amount, the allocation is not returned to the

state but may be spent on other students.” This statement demonstrates the ability of LEAs to reallocate funds within the program, as needed.

The Workgroup recommends that the Legislature adopt a tiered special education funding multiplier. Using statewide data from the federal November 2017 Child Count, analysis of multiple models was conducted, and several models rejected due to a lack of alignment with the values of the Workgroup (e.g., not addressing the student specific need or providing additional support for inclusion). In each case, the multiplier was linked to a tier which referred to intensity of services.

Note: The multiplier used in the model is for display purposes and can easily be modified in further discussions.

The model links weekly hours of service with least restrictive environment (LRE) placement reported by the LEA, and applies a tiered multiplier based on hours of service and intensity of services. This process is designed to be more reflective of the cost of actual services provided per student than using a statewide average multiplier. Local education agencies have access to these data, however it will require OSPI to develop an additional data collection to receive these data from LEAs.

The Workgroup is cautious of using a funding mechanism based on the type of setting in which a child is served because it could violate the requirement of 34 CFR 300.114². Instead, the Workgroup suggests a hybrid model, such as below.

Table 4: Tiered Funding Model Example

Number of Students in each Band of Weekly Hours of Service	Weekly Hours of Service	Setting	Basic Education Allocation (2018–19 Projection)	Tiered Multiplier	Rate	Funding Available
486	1	Time in Gen Ed Setting 80%-100%	\$9,484	0.5000	\$4,742	\$2,304,725
304	2-4	Time in Gen Ed Setting 80%-100%	\$9,484	1.1000	\$10,433	\$3,171,606
706	5-9	Time in Gen Ed Setting 80%-100%	\$9,484	1.7500	\$16,598	\$11,718,058

² (i) A state funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and

(ii) A state must not use a funding mechanism by which the state distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.

Number of Students in each Band of Weekly Hours of Service	Weekly Hours of Service	Setting	Basic Education Allocation (2018–19 Projection)	Tiered Multiplier	Rate	Funding Available
45	≥10	Time in Gen Ed Setting 80%-100%	\$9,484	2.0000	\$18,969	\$853,602
85	7-12	Time in Gen Ed Setting 40%-79%	\$9,484	0.9309	\$8,829	\$750,473
228	13-18	Time in Gen Ed Setting 40%-79%	\$9,484	1.5000	\$14,227	\$3,243,687
251	19-24	Time in Gen Ed Setting less than 39%	\$9,484	1.7500	\$16,598	\$4,166,052
105	24+	Public or private day school	\$9,484	2.7500	\$26,082	\$2,738,640
6	24+	Residential facility	\$9,484	3.0000	\$28,453	\$170,720
0	≤20	Homebound	\$9,484	1.2500	\$11,856	\$0.00
0	21+	Home bound	\$9,484	1.5000	\$14,227	\$0
2216		Total			Total	\$25,525,321

2216		Total using .9609	\$9,484	0.9609	\$9,114	\$20,195,790
					Change in funding	\$5,329,531

Source: LEA-provided data. 2018–19 BEA projections from OSPI Apportionment.

While not part of the Safety Net process, the Workgroup received comments regarding the State Excess Cost Methodology. The Workgroup recommends that a study group be convened to evaluate the State Excess Costs Methodology implemented in 1995 pursuant to RCW 28A.150.390. Several administrators reported the current excess cost formula might discourage inclusionary practices.

Recommendations

The following recommendations have been approved by Superintendent Reykdal, and do not have a fiscal impact. The Office of Superintendent of Public Instruction has started the rule revision process and these recommendations are reflected in draft RCW and WAC revisions, where appropriate.

1. The purpose of Safety Net remains the same with the clarification that the purpose is to reimburse, rather than award for expenditures, in excess of all state and federal funding available for special education services to students with disabilities.

2. The Office of Superintendent of Public Instruction will continue to emphasize the importance of compliance with federal and state requirements with the recognition that compliance is a general supervision responsibility reviewed through the Washington Integrated System of Monitoring (WISM) process, dispute resolution, and the State Auditor's Office; and is not limited to the Safety Net process.
3. In the unlikely event that funding obligations cannot be met in the needed timeframe, the following proration options can be used temporarily by OSPI:
 - a. Proration to all LEAs, with funding first released to LEAs with 2,000 pupils or fewer.
 - b. Proration of all recommended funding to all LEAs equally.
 - c. Distribution of funding based on demonstrated capacity on Worksheet A expressed as a percentage of the LEA's total special education program expenditures. Funding would go to LEAs with the largest unfunded percentage first.
4. Modification of current language requiring a "properly formulated IEP" to include a review of a sample of IEPs for each LEA that has not had IEPs reviewed through the WISM process within the past two years. Local education agencies must also not have any unresolved audit issues related to special education that are material in nature.
5. Local education agencies either submit verification of Medicaid billing or receive a deduction calculated by OSPI, based on reimbursement potential of services provided by a qualified biller.
6. Add a new category of eligibility for students with disabilities served in residential schools, and programs for juveniles under the Department of Corrections.
7. Modify Community Impact language to clarify that it pertains to the extraordinary costs associated with communities that draw a larger number of students with disabilities in need of special education services "to the LEA, based on current unique attributes of the LEA that are not related to LEA philosophy, staffing decisions, or service delivery choices." Applications cannot include students for whom the LEA is receiving state special education funding.
8. Revise the order of Safety Net application reviews so high need student applications are reviewed first, followed by Community Impact applications. Decisions would be:
 - a. Recommendation for conditional approval,
 - b. Recommendation for adjustment on amount and conditional approval,
 - c. Recommendation for disapproval, and
 - d. Recommendation for conditional pro-rated funding to address findings of non-compliance.
9. Allow OSPI staff to request missing documentation during the initial review.

10. Allow LEAs to request reimbursement for:
 - a. Students enrolling in the LEA after the initial submission deadline,
 - b. Students with a significant change in services or placement,
 - c. Students accessing Extended School Year (ESY) when a decision is made after the initial submission date.
11. Office of Superintendent of Public Instruction staff should adjust application deadlines, meeting dates, and notification dates to allow for the 20-day request for review and reconsideration process to be extended from 20 to 30 days. While the need behind this recommendation is acknowledged, the feasibility of implementation is being explored.
12. Make the annual Safety Net survey anonymous.
13. Allow the review of additional documentation, if specifically requested by the Committee during the Safety Net application review process.
14. Allow the Safety Net Legislative Workgroup to reconvene during 2020–21 to determine if further changes are needed.

Superintendent Reykdal and OSPI are putting the following recommendations with a fiscal impact forward to the Legislature:

1. Adoption of a tiered multiplier. This recommendation is included in the OSPI multiplier decision package for the 2019–21 biennium.
2. Staffing at OSPI be increased from 2.0 FTE to 3.0 FTE. Funding for the additional 1.0 FTE support is included in the OSPI Safety Net decision package for the 2019–21 biennium.
3. The application process shift from paper submission to an electronic submission. Funding for the electronic process is included in the OSPI Safety Net decision package for the 2019–21 biennium.

The recommendation that the Safety Net process use only state funds, and that the \$14,787,000 of federal IDEA funds reserved each year remain with other IDEA funds, was delayed as the multiplier and Safety Net decision packages seek a significant increase in state special education funds for the next three biennia.

APPENDICES

Appendix A: Special Education Safety Net Legislative Workgroup

<p>Task: Review current Safety Net process, make recommendations on possible adjustments to improve the process, evaluate appropriate funding level to meet the purpose, examine the special education cost multiplier, and process LEAs use to account for special education expenses. (EHB 2242, Sec. 408 & Education Funding Task Force)</p> <p>Workgroup Facilitator: Greg Abell</p>	
Jennifer Acuna	ESD 114 Director of Special Services
Paula Bailey	Central Kitsap SD Director of Business Services
Roz Bethmann	Parent Training & Information Director
Jey Buno	Evergreen SD Executive Director Special Services and Federal Programs
Sarah Butcher	Special Education Advisory Committee (SEAC) and Parent
Becky Clifford	Everett SD Executive Director Special Services
Gary Cohn	Everett SD Superintendent
Shannon Criss	Boistfort SD Superintendent
Franklin Day	Spokane SD Associate Director Special Education
Glenna Gallo	OSPI Assistant Superintendent Special Education
Carol Gray	Vancouver SD Budget and Grants Manager
TJ Kelly	OSPI School Apportionment & Financial Services Director
Paula Kitzke	Charter School Commission Deputy Director
Nicole Klein	OSPI Health Services Program Supervisor
Sherry Krainick	Special Education Advisory Council (SEAC) and Parent
Mary Mertz	ESD 112 Executive Director ESA & Specialized Services
Mary Ellen Parrish	OSPI Special Education Program Supervisor
Corine Pennington	Puyallup S D Chief Financial Officer
Cindy Rockholt	OSPI Assistant Superintendent Educator Growth & Development and Parent
Chris Willis	Orting SD Executive Director for Special Services and Intervention
Mike Woods	OSPI Budget & Fiscal Services Director

Appendix B: Potential Increase to 2018–19 IDEA Section 611 Allocations

The table below depicts the increase in funds to LEAs if federal IDEA set aside is distributed by formula rather through the Safety Net process.

CoDist	LEA	Adjusted 2018-19 IDEA Section 611 Allocation	Current 2018-19 IDEA Section 611 Allocation	Potential Increase to 2018-19 IDEA Section 611 Allocation
14005	Aberdeen	\$841,244	\$791,432	\$49,812
21226	Adna	\$119,347	\$111,854	\$7,493
22017	Almira	\$18,534	\$17,228	\$1,306
29103	Anacortes	\$548,428	\$515,450	\$32,978
31016	Arlington	\$1,035,224	\$968,682	\$66,542
02420	Asotin-Anatone	\$138,181	\$130,914	\$7,267
17408	Auburn	\$3,048,220	\$2,824,297	\$223,923
18303	Bainbridge Island	\$750,639	\$702,591	\$48,048
06119	Battle Ground	\$2,639,835	\$2,466,201	\$173,634
17405	Bellevue	\$3,928,009	\$3,636,982	\$291,027
37501	Bellingham	\$2,394,593	\$2,237,341	\$157,252
01122	Benge	\$3,210	\$3,013	\$197
27403	Bethel	\$3,706,861	\$3,456,332	\$250,529
20203	Bickleton	\$21,334	\$19,772	\$1,562
37503	Blaine	\$417,282	\$388,524	\$28,758
21234	Boistfort	\$24,355	\$23,181	\$1,174
18100	Bremerton	\$1,151,885	\$1,081,352	\$70,533
24111	Brewster	\$218,444	\$204,307	\$14,137
09075	Bridgeport	\$186,871	\$174,186	\$12,685
16046	Brinnon	\$20,894	\$19,941	\$953
29100	Burlington-Edison	\$765,326	\$718,069	\$47,257
06117	Camas	\$1,104,313	\$1,022,047	\$82,266
05401	Cape Flattery	\$116,012	\$109,248	\$6,764
27019	Carbonado	\$37,478	\$35,394	\$2,084
04228	Cascade	\$297,946	\$280,505	\$17,441
04222	Cashmere	\$301,142	\$280,907	\$20,235
08401	Castle Rock	\$260,732	\$244,076	\$16,656
20215	Centerville	\$17,830	\$16,682	\$1,148
18401	Central Kitsap	\$2,462,427	\$2,319,838	\$142,589
32356	Central Valley	\$2,618,577	\$2,441,774	\$176,803
21401	Centralia	\$832,494	\$779,699	\$52,795
21302	Chehalis	\$624,514	\$583,725	\$40,789
32360	Cheney	\$883,320	\$822,459	\$60,861
33036	Chewelah	\$182,542	\$172,754	\$9,788

CoDist	LEA	Adjusted 2018-19 IDEA Section 611 Allocation	Current 2018-19 IDEA Section 611 Allocation	Potential Increase to 2018-19 IDEA Section 611 Allocation
16049	Chimacum	\$250,262	\$236,351	\$13,911
02250	Clarkston	\$602,962	\$565,736	\$37,226
19404	Cle Elum-Roslyn	\$186,503	\$175,363	\$11,140
27400	Clover Park	\$2,843,743	\$2,661,685	\$182,058
38300	Colfax	\$111,575	\$104,694	\$6,881
36250	College Place	\$336,365	\$310,663	\$25,702
38306	Colton	\$34,750	\$32,678	\$2,072
33206	Columbia (Stevens)	\$31,884	\$30,073	\$1,811
36400	Columbia (Walla Walla)	\$152,951	\$143,443	\$9,508
33115	Colville	\$425,220	\$401,029	\$24,191
29011	Concrete	\$143,082	\$135,699	\$7,383
29317	Conway	\$73,869	\$68,667	\$5,202
14099	Cosmopolis	\$38,315	\$36,391	\$1,924
13151	Coulee/Hartline	\$42,608	\$40,625	\$1,983
15204	Coupeville	\$194,985	\$182,980	\$12,005
05313	Crescent	\$59,666	\$55,708	\$3,958
22073	Creston	\$17,185	\$16,143	\$1,042
10050	Curlew	\$38,854	\$36,598	\$2,256
26059	Cusick	\$61,971	\$58,416	\$3,555
19007	Damman	\$5,128	\$4,709	\$419
31330	Darrington	\$93,189	\$88,074	\$5,115
22207	Davenport	\$104,536	\$97,019	\$7,517
07002	Dayton	\$110,395	\$104,991	\$5,404
32414	Deer Park	\$501,083	\$469,196	\$31,887
27343	Dieringer	\$219,612	\$203,433	\$16,179
36101	Dixie	\$4,586	\$4,406	\$180
32361	East Valley (Spokane)	\$874,536	\$819,857	\$54,679
39090	East Valley (Yakima)	\$642,658	\$596,204	\$46,454
09206	Eastmont	\$1,190,595	\$1,110,500	\$80,095
19028	Easton	\$22,600	\$21,160	\$1,440
27404	Eatonville	\$368,161	\$344,764	\$23,397
31015	Edmonds	\$4,255,915	\$3,982,080	\$273,835
19401	Ellensburg	\$632,738	\$590,681	\$42,057
14068	Elma	\$385,537	\$364,953	\$20,584
38308	Endicott	\$19,940	\$18,600	\$1,340
04127	Entiat	\$71,222	\$67,017	\$4,205
17216	Enumclaw	\$872,920	\$824,339	\$48,581
13165	Ephrata	\$517,272	\$481,741	\$35,531
21036	Evaline	\$9,944	\$9,182	\$762
31002	Everett	\$4,043,894	\$3,777,425	\$266,469
06114	Evergreen (Clark)	\$4,643,498	\$4,323,627	\$319,871
33205	Evergreen (Stevens)	\$8,950	\$8,515	\$435

CoDist	LEA	Adjusted 2018-19 IDEA Section 611 Allocation	Current 2018-19 IDEA Section 611 Allocation	Potential Increase to 2018-19 IDEA Section 611 Allocation
17210	Federal Way	\$4,622,450	\$4,305,814	\$316,636
37502	Ferndale	\$999,014	\$937,463	\$61,551
27417	Fife	\$726,626	\$677,879	\$48,747
03053	Finley	\$228,216	\$215,695	\$12,521
27402	Franklin Pierce	\$1,641,387	\$1,530,716	\$110,671
32358	Freeman	\$144,165	\$133,850	\$10,315
38302	Garfield	\$30,744	\$29,320	\$1,424
20401	Glenwood	\$17,794	\$16,933	\$861
20404	Goldendale	\$223,213	\$210,533	\$12,680
13301	Grand Coulee Dam	\$169,731	\$160,304	\$9,427
39200	Grandview	\$767,416	\$712,932	\$54,484
39204	Granger	\$320,172	\$297,877	\$22,295
31332	Granite Falls	\$390,377	\$364,961	\$25,416
23054	Grapeview	\$39,945	\$37,165	\$2,780
32312	Great Northern	\$10,816	\$10,069	\$747
27904	Green Dot Public Schools Destiny	\$74,274	\$70,250	\$4,024
17906	Green Dot Public Schools Excel	\$37,063	\$34,860	\$2,203
17910	Green Dot Public Schools Rainier Valley	\$23,080	\$21,601	\$1,479
06103	Green Mountain	\$30,611	\$28,632	\$1,979
34324	Griffin	\$105,639	\$98,117	\$7,522
22204	Harrington	\$26,381	\$24,644	\$1,737
39203	Highland	\$253,691	\$237,721	\$15,970
17401	Highline	\$4,380,267	\$4,076,475	\$303,792
06098	Hockinson	\$306,875	\$284,938	\$21,937
23404	Hood Canal	\$75,894	\$71,216	\$4,678
14028	Hoquiam	\$419,791	\$396,094	\$23,697
17911	Impact Public Charter	\$10,924	\$10,924	\$0
10070	Inchelium	\$58,097	\$54,942	\$3,155
31063	Index	\$8,861	\$8,481	\$380
17411	Issaquah	\$3,436,932	\$3,200,544	\$236,388
11056	Kahlotus	\$8,421	\$7,798	\$623
08402	Kalama	\$193,767	\$181,401	\$12,366
10003	Keller	\$8,598	\$8,194	\$404
08458	Kelso	\$1,074,596	\$1,006,081	\$68,515
03017	Kennewick	\$3,521,856	\$3,270,098	\$251,758
17415	Kent	\$5,372,481	\$5,023,547	\$348,934
33212	Kettle Falls	\$192,088	\$179,119	\$12,969
03052	Kiona Benton	\$319,682	\$299,983	\$19,699
19403	Kittitas	\$126,999	\$118,434	\$8,565
20402	Klickitat	\$23,509	\$22,506	\$1,003
06101	La Center	\$282,049	\$262,510	\$19,539

CoDist	LEA	Adjusted 2018-19 IDEA Section 611 Allocation	Current 2018-19 IDEA Section 611 Allocation	Potential Increase to 2018-19 IDEA Section 611 Allocation
29311	La Conner	\$133,261	\$125,448	\$7,813
38126	Lacrosse	\$16,890	\$16,016	\$874
04129	Lake Chelan	\$285,438	\$266,583	\$18,855
14097	Lake Quinault	\$44,509	\$42,022	\$2,487
31004	Lake Stevens	\$1,460,754	\$1,356,155	\$104,599
17414	Lake Washington	\$5,310,507	\$4,931,343	\$379,164
31306	Lakewood	\$470,877	\$440,649	\$30,228
38264	Lamont	\$7,051	\$6,505	\$546
32362	Liberty	\$136,990	\$127,658	\$9,332
01158	Lind	\$46,983	\$43,941	\$3,042
08122	Longview	\$1,550,345	\$1,457,204	\$93,141
33183	Loon Lake	\$52,780	\$49,826	\$2,954
28144	Lopez	\$59,472	\$56,429	\$3,043
20406	Lyle	\$65,164	\$62,123	\$3,041
37504	Lynden	\$749,296	\$694,003	\$55,293
39120	Mabton	\$196,505	\$183,276	\$13,229
09207	Mansfield	\$22,442	\$21,299	\$1,143
04019	Manson	\$137,225	\$128,675	\$8,550
23311	Mary M Knight	\$172,725	\$158,115	\$14,610
33207	Mary Walker	\$176,855	\$169,838	\$7,017
31025	Marysville	\$2,310,425	\$2,162,380	\$148,045
14065	Mc Cleary	\$63,060	\$58,794	\$4,266
32354	Mead	\$1,866,854	\$1,731,160	\$135,694
32326	Medical Lake	\$387,096	\$364,576	\$22,520
17400	Mercer Island	\$787,007	\$731,073	\$55,934
37505	Meridian	\$328,676	\$306,695	\$21,981
24350	Methow Valley	\$128,319	\$120,200	\$8,119
30031	Mill A	\$15,696	\$15,308	\$388
31103	Monroe	\$1,241,353	\$1,154,095	\$87,258
14066	Montesano	\$285,444	\$268,571	\$16,873
21214	Morton	\$88,652	\$84,610	\$4,042
13161	Moses Lake	\$1,660,710	\$1,542,286	\$118,424
21206	Mossyrock	\$122,807	\$115,897	\$6,910
39209	Mount Adams	\$242,449	\$228,162	\$14,287
37507	Mount Baker	\$400,774	\$376,775	\$23,999
30029	Mount Pleasant	\$12,550	\$11,740	\$810
29320	Mount Vernon	\$1,443,428	\$1,344,844	\$98,584
31006	Mukilteo	\$3,011,137	\$2,802,107	\$209,030
39003	Naches Valley	\$271,080	\$254,238	\$16,842
21014	Napavine	\$164,789	\$154,300	\$10,489
25155	Naselle-Grays River	\$90,384	\$84,626	\$5,758
24014	Nespelem	\$46,959	\$44,958	\$2,001

CoDist	LEA	Adjusted 2018-19 IDEA Section 611 Allocation	Current 2018-19 IDEA Section 611 Allocation	Potential Increase to 2018-19 IDEA Section 611 Allocation
26056	Newport	\$278,230	\$262,958	\$15,272
32325	Nine Mile Falls	\$292,014	\$275,301	\$16,713
37506	Nooksack Valley	\$370,798	\$347,822	\$22,976
14064	North Beach	\$149,776	\$140,037	\$9,739
11051	North Franklin	\$432,878	\$402,986	\$29,892
18400	North Kitsap	\$1,207,827	\$1,133,039	\$74,788
23403	North Mason	\$486,840	\$457,569	\$29,271
25200	North River	\$11,902	\$10,962	\$940
34003	North Thurston	\$2,933,161	\$2,739,104	\$194,057
33211	Northport	\$43,850	\$40,620	\$3,230
17417	Northshore	\$4,239,785	\$3,954,428	\$285,357
15201	Oak Harbor	\$1,216,140	\$1,139,533	\$76,607
38324	Oakesdale	\$22,700	\$21,299	\$1,401
14400	Oakville	\$57,187	\$53,690	\$3,497
25101	Ocean Beach	\$247,970	\$234,456	\$13,514
14172	Ocosta	\$163,338	\$155,012	\$8,326
22105	Odessa	\$52,535	\$49,508	\$3,027
24105	Okanogan	\$227,086	\$212,494	\$14,592
34111	Olympia	\$1,994,730	\$1,867,015	\$127,715
24019	Omak	\$1,006,561	\$929,258	\$77,303
21300	Onalaska	\$183,101	\$172,129	\$10,972
33030	Onion Creek	\$7,971	\$7,531	\$440
28137	Orcas Island	\$156,912	\$146,147	\$10,765
32123	Orchard Prairie	\$46,234	\$42,457	\$3,777
10065	Orient	\$18,867	\$17,718	\$1,149
09013	Orondo	\$47,406	\$44,656	\$2,750
24410	Oroville	\$144,353	\$136,005	\$8,348
27344	Orting	\$457,434	\$425,876	\$31,558
01147	Othello	\$831,514	\$767,899	\$63,615
09102	Palisades	\$7,438	\$7,093	\$345
38301	Palouse	\$44,955	\$42,664	\$2,291
11001	Pasco	\$3,304,123	\$3,048,964	\$255,159
24122	Pateros	\$57,909	\$53,686	\$4,223
03050	Paterson	\$21,439	\$19,727	\$1,712
21301	Pe Ell	\$55,414	\$52,173	\$3,241
27401	Peninsula	\$1,839,458	\$1,726,136	\$113,322
23402	Pioneer	\$183,323	\$173,039	\$10,284
12110	Pomeroy	\$75,075	\$70,850	\$4,225
05121	Port Angeles	\$922,639	\$871,051	\$51,588
16050	Port Townsend	\$273,978	\$258,620	\$15,358
36402	Prescott	\$65,170	\$60,664	\$4,506
32907	Pride Prep	\$74,463	\$69,363	\$5,100

CoDist	LEA	Adjusted 2018-19 IDEA Section 611 Allocation	Current 2018-19 IDEA Section 611 Allocation	Potential Increase to 2018-19 IDEA Section 611 Allocation
03116	Prosser	\$541,106	\$504,637	\$36,469
38267	Pullman	\$500,128	\$464,314	\$35,814
27003	Puyallup	\$4,374,543	\$4,081,237	\$293,306
16020	Queets-Clearwater	\$6,242	\$5,958	\$284
16048	Quilcene	\$85,115	\$79,741	\$5,374
05402	Quillayute Valley	\$530,968	\$492,021	\$38,947
13144	Quincy	\$576,378	\$533,588	\$42,790
34307	Rainier	\$199,942	\$187,109	\$12,833
17908	Rainier Prep	\$55,800	\$51,652	\$4,148
25116	Raymond	\$147,794	\$139,227	\$8,567
22009	Reardan-Edwall	\$127,448	\$118,795	\$8,653
17403	Renton	\$3,144,529	\$2,927,864	\$216,665
10309	Republic	\$88,633	\$82,939	\$5,694
03400	Richland	\$2,491,776	\$2,313,225	\$178,551
06122	Ridgefield	\$495,077	\$459,863	\$35,214
01160	Ritzville	\$72,749	\$68,122	\$4,627
32416	Riverside	\$363,915	\$345,910	\$18,005
17407	Riverview	\$591,553	\$552,767	\$38,786
34401	Rochester	\$520,280	\$491,229	\$29,051
20403	Roosevelt	\$4,011	\$3,694	\$317
38320	Rosalia	\$43,584	\$41,229	\$2,355
13160	Royal	\$330,088	\$305,522	\$24,566
28149	San Juan	\$185,921	\$174,693	\$11,228
14104	Satsop	\$15,709	\$14,848	\$861
17001	Seattle	\$12,172,182	\$11,312,634	\$859,548
29101	Sedro-Woolley	\$927,277	\$869,553	\$57,724
39119	Selah	\$767,778	\$720,958	\$46,820
26070	Selkirk	\$69,608	\$66,352	\$3,256
05323	Sequim	\$532,880	\$496,261	\$36,619
28010	Shaw Island	\$2,008	\$1,872	\$136
23309	Shelton	\$892,696	\$832,871	\$59,825
17412	Shoreline	\$2,217,218	\$2,073,959	\$143,259
30002	Skamania	\$21,800	\$20,716	\$1,084
17404	Skykomish	\$13,747	\$12,971	\$776
31201	Snohomish	\$1,780,803	\$1,664,878	\$115,925
17410	Snoqualmie Valley	\$1,138,859	\$1,058,412	\$80,447
13156	Soap Lake	\$109,926	\$102,676	\$7,250
27909	SOAR Academy	\$36,416	\$33,801	\$2,615
25118	South Bend	\$126,722	\$118,275	\$8,447
18402	South Kitsap	\$2,126,162	\$2,002,419	\$123,743
15206	South Whidbey	\$354,525	\$335,673	\$18,852
23042	Southside	\$42,987	\$40,450	\$2,537

CoDist	LEA	Adjusted 2018-19 IDEA Section 611 Allocation	Current 2018-19 IDEA Section 611 Allocation	Potential Increase to 2018-19 IDEA Section 611 Allocation
32081	Spokane	\$6,819,030	\$6,371,239	\$447,791
32901	Spokane Intl Academy	\$64,082	\$59,113	\$4,969
22008	Sprague	\$19,579	\$18,603	\$976
38322	St John	\$30,161	\$28,365	\$1,796
31401	Stanwood-Camano	\$865,846	\$812,524	\$53,322
11054	Star	\$2,013	\$1,877	\$136
07035	Starbuck	\$3,118	\$3,118	\$0
04069	Stehekin	\$852	\$775	\$77
27001	Steilacoom Hist.	\$529,844	\$491,943	\$37,901
38304	Steptoe	\$8,267	\$7,752	\$515
30303	Stevenson-Carson	\$206,216	\$194,939	\$11,277
31311	Sultan	\$457,524	\$431,957	\$25,567
17905	Summit Atlas	\$35,337	\$33,182	\$2,155
27905	Summit Olympus	\$35,771	\$33,511	\$2,260
17902	Summit Sierra	\$49,506	\$45,937	\$3,569
33202	Summit Valley	\$15,666	\$14,621	\$1,045
27320	Sumner	\$1,725,102	\$1,609,800	\$115,302
39201	Sunnyside	\$1,500,320	\$1,394,252	\$106,068
18902	Suquamish	\$48,573	\$48,573	\$0
27010	Tacoma	\$6,804,769	\$6,373,819	\$430,950
14077	Taholah	\$48,449	\$46,029	\$2,420
17409	Tahoma	\$1,483,456	\$1,386,807	\$96,649
38265	Tekoa	\$36,516	\$33,954	\$2,562
34402	Tenino	\$287,077	\$270,858	\$16,219
19400	Thorp	\$37,760	\$35,604	\$2,156
21237	Toledo	\$187,677	\$177,564	\$10,113
24404	Tonasket	\$242,353	\$226,893	\$15,460
39202	Toppenish	\$881,497	\$818,960	\$62,537
36300	Touchet	\$44,672	\$42,029	\$2,643
08130	Toutle Lake	\$136,068	\$127,670	\$8,398
20400	Trout Lake	\$44,707	\$41,635	\$3,072
17406	Tukwila	\$581,340	\$540,552	\$40,788
34033	Tumwater	\$1,314,783	\$1,231,620	\$83,163
39002	Union Gap	\$145,736	\$136,695	\$9,041
27083	University Place	\$1,120,390	\$1,041,810	\$78,580
33070	Valley	\$124,669	\$114,143	\$10,526
06037	Vancouver	\$4,769,522	\$4,453,310	\$316,212
17402	Vashon Island	\$298,310	\$279,041	\$19,269
34975	WA State Center for Childhood Deafness and Hearing Loss	\$105,125	\$103,885	\$1,240
34974	WA State School for the Blind	\$40,470	\$39,957	\$513
35200	Wahkiakum	\$113,897	\$107,561	\$6,336

CoDist	LEA	Adjusted 2018-19 IDEA Section 611 Allocation	Current 2018-19 IDEA Section 611 Allocation	Potential Increase to 2018-19 IDEA Section 611 Allocation
13073	Wahluke	\$466,248	\$430,348	\$35,900
36401	Waitsburg	\$67,546	\$63,863	\$3,683
36140	Walla Walla	\$1,236,803	\$1,156,643	\$80,160
39207	Wapato	\$759,451	\$708,571	\$50,880
13146	Warden	\$217,561	\$203,033	\$14,528
06112	Washougal	\$601,915	\$563,509	\$38,406
01109	Washtucna	\$15,071	\$14,410	\$661
09209	Waterville	\$60,729	\$57,053	\$3,676
33049	Wellpinit	\$90,332	\$84,485	\$5,847
04246	Wenatchee	\$1,567,387	\$1,457,443	\$109,944
32363	West Valley (Spokane)	\$758,182	\$709,684	\$48,498
39208	West Valley (Yakima)	\$1,044,045	\$976,607	\$67,438
21303	White Pass	\$127,397	\$122,102	\$5,295
27416	White River	\$759,980	\$714,201	\$45,779
20405	White Salmon	\$289,789	\$272,852	\$16,937
22200	Wilbur	\$54,461	\$51,259	\$3,202
25160	Willapa Valley	\$75,379	\$70,891	\$4,488
36901	Willow Public Charter	\$7,517	\$7,517	\$0
13167	Wilson Creek	\$26,584	\$24,735	\$1,849
21232	Winlock	\$172,640	\$162,382	\$10,258
14117	Wishkah Valley	\$31,569	\$29,645	\$1,924
20094	Wishram	\$17,747	\$16,700	\$1,047
08404	Woodland	\$432,784	\$402,192	\$30,592
39007	Yakima	\$3,640,704	\$3,385,419	\$255,285
34002	Yelm	\$1,070,631	\$998,273	\$72,358
39205	Zillah	\$240,441	\$223,173	\$17,268
	TOTALS	\$221,914,224	\$207,127,219	\$14,787,000

Appendix C: Recommended Revisions for RCW 28A.150.392

- Replace “awards” with “reimbursement”
- Replace “districts” with “any local education agency (LEA) that receives Part B funding”
- Sec. 1 (b) Remove section, as IDEA does not provide “discretionary” funds, and an annual budget is submitted to the U.S. Department of Education specifying how all IDEA funds will be used
- Replace “awarded” with “recommended” which is intended to change the process from the committee awarding, to the committee recommending awards to OSPI, with a final decision from OSPI
- Sec. 2 (a) Add clarification to “all available revenues from state [special education] funding formulas”
- Replace “special education students” with “students with disabilities under IDEA”
- Sec. 2 (g) Reorder sections following this, and add in language from 2018 legislation as follows “the committee shall then consider the extraordinary cost needs of one or more individual special education students served in residential schools as defined in RCW 28A.190.020, programs for juvenile under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a program of education or standards enrolled in high school”, except change “special education students” to “students with disabilities under IDEA”
- Sec. 3 Replace “September 1, 2019” deadline with “December 1, 2018” deadline from 2018 legislation, as well as add additional 2018 legislative language of “including revisions to rules that provide additional flexibility to access community impact awards”

Appendix D: Recommended Revisions for WAC 392-140-600 through 685

- WAC 392-140-600
 - Replace “awards” with “reimbursement”
 - Remove reference to the use of federal IDEA funds, starting with the 2019-2020 school year (to align with IDEA budgeting process which is Spring 2019)
 - Remove reference to previous school years
 - Replace “school district” with “local education agency (LEA)”
- WAC 392-140-60105
 - Replace “awards” with “reimbursement”
 - Remove the “properly formulated”
 - Replace language regarding the APPE with “the threshold that requests must exceed shall be established by the office of the superintendent of public instruction in consultation with the office of financial management and the fiscal committees of the legislature, and published in the annual Safety Net Bulletin.”
 - (1) Replace language regarding the APPE with “the threshold that requests must exceed ...”
- WAC 392-140-60110
 - Replace “school district or charter school” with “LEA”
- Add new subsection here “(WAC 392-140-XXXX
 - Definition—High need student served in residential schools, programs for juveniles under the department of corrections, and programs for juveniles operated under city and county jails. For purposes of special education safety net reimbursement, high need student means a student eligible for special education services served in residential schools as defined in RCW 28A.190.020, programs for juveniles under the department of corrections, and programs for juveniles operated under city and county jails whose Individualized Education Program (IEP) costs (as calculated on worksheet C) exceed the threshold established by the office of the superintendent of public instruction in consultation with the office of financial management and the fiscal committees of the legislature, and published in the annual Safety Net Bulletin.
- Add new subsection here “(WAC 392-140-XXX)
 - Definition—Capacity for funding. For the purpose of state special education safety net funding, potential capacity for funding exists when an LEA’s special education expenditures exceed resources available for special education. Available revenue includes state and federal revenue, program income generated

by such state and/or federally funded special education programs, and all carryover of state and federal special education revenue. LEAs with demonstrated capacity and approved applications may access Safety Net reimbursement regardless of if the LEA's enrollment of students with disabilities exceeds the statutory limit of thirteen and five-tenths percent. Beginning in 2019-2020, applicants must either submit verification Medicaid billing, or receive a deduction calculated by OSPI annually to compensate for the district's decision not to pursue Medicaid reimbursement.

- WAC 392-140-602
 - Replace "awards" with "reimbursement"
 - (5) Add language that the "tribal compact schools are eligible to apply for special education safety net reimbursement."
- WAC 392-140-605
 - Replace "awards" with "reimbursement"
 - (1) Add "tribal compact schools"
 - (1a-d and 2a) revise language to include newly legislated category (e.g., served in residential schools..."
 - (2d) Amends requirement to bill Medicaid and provides an option for the LEA to "understand that any reimbursement amount will receive a deduction calculated by OSPI annually to compensate for the LEA's decision not to pursue Medicaid reimbursement."
 - (2e) Replace "is making" to "must make" and add "in an efficient manner" which replaces the previous (2f)
 - Remove (2g) which references federal funds
 - (2i) add "with the exception of supplemental contracts which provide direct special education and related services to students per an IEP"
 - Remove "properly formulated"
- WAC 392-140-609
 - Remove "properly formulated"
 - Modify current language requiring a "properly formulated IEP" to require "a review of a sample of IEPs for each LEA (if the LEA has not had IEPs reviewed through the Washington Integrated System of Monitoring (WISM) process within the last two years) in areas to be determined by OSPI and published in the annual Safety Net Bulletin. Areas to be reviewed and sample sizes will be determined based on data collected by OSPI demonstrating LEA compliance history and statewide areas of needed improvement."
- WAC 392-140-616

- Replace “awards” with “reimbursement”
- Replace “special education student” with “student with an IEP”
- (1) Replace “properly formulated” language with “The IEP demonstrates compliance with federal and state procedural requirements, in the OSPI-selected applicable reviewed areas”
- (2) Replace “properly formulated” with “implementation of an IEP”
- (3a) Remove “WAC 392-140-60105” and add “in consultation with the office of financial management and the fiscal committees of the legislature”
- (4) add “tribal compact schools”
- WAC 392-140-617
 - Replace “awards” with “reimbursement”
 - Replace “families” with “students”
 - (1 and 2) Add “tribal compact school”
- WAC 392-140-626
 - Replace “awards” with “reimbursement”
 - (5) Add “any information specifically requested by the committee on a case-by-case basis during the initial review (and included within the OSPI letter) and provided by the applicant within the requested timeline will be considered during final Safety Net application reviews. There is no obligation for the committee to request additional information and the presumption is on the LEA to submit a complete initial application. ”
- WAC 392-140-630
 - Replace “awards” with “reimbursement”
- Add new WAC (WAC 392-140-635)
 - “WAC 392-140-634 Special education safety net—Special education program review—Purpose, procedures. Special education program review (as per WAC 392-172A-07010) reports by staff of the office of superintendent of public instruction special education division will be reviewed by the state safety net oversight committee. The results of the program review may be considered by the oversight committee in determining, adjusting, or recovering safety net reimbursement.”
- WAC 392-140-640
 - Replace “school districts and ESDs” with “LEAs who are knowledgeable of special education programs and funding”
 - (1) Replace “state director” with “assistant superintendent”
 - (3) Add “or schools”
- WAC 392-140-643

- (1) Add "electronic"
- (1) Remove "for completeness by the state safety net oversight committee manager or designee"
- (1) Remove "incomplete applications will not be considered by the committee"
- (2) Add "electronic"
- Remove (4)
- (5) Add "during meetings as scheduled and published by the office of the superintendent of public instruction in the annual safety net bulletin"
- (6) Add "before making a final recommendation. There is no requirement for the committee to request clarifying information, in the event is not provided by the applicant."
- (12) Replace "award" with "reimbursement"
- WAC 392-140-646
 - (1a-d) adjust recommendation language
 - (4) Replace "award" with "reimbursement"
- WAC 392-140-650
 - Replace school district and charter school specific language
- WAC 392-140-656
 - Remove (2)
 - Add (4) "After a second review by the committee, the committee will provide final recommendations for LEA application reimbursement decisions to the Safety Net Oversight Committee Manager. All decisions will be reviewed by the Manager and those approved will be processed by OSPI Safety Net staff."
- WAC 392-140-660
 - Replace "award" with "reimbursement"
 - Remove (2)
- WAC 392-140-675
 - Replace "award" with "reimbursement"
 - Remove (1) Medicaid language
- WAC 392-140-685
 - Replace "award" with "reimbursement"

Appendix E: Stakeholder Comments

Stakeholder Role	Comment
School District Administrator	<p>Thank you for providing us an avenue to provide feedback. We are very pleased that the process is being reviewed and commend you in trying to improve a process that is very complicated. Below are our comments:</p> <ul style="list-style-type: none"> • One of the advantages inherent in the recommendations is that it appears to be a reduction in work time for our special education staff, especially related to the electronic filing. • In regards to Medicaid billing- WAC 392-140-605 (2d), we have some concerns. If you are now calculating a deduction if we do not pursue Medicaid reimbursement, this will impact us negatively. The reason that we have not billed for Medicaid is because we have met with resistance from our staff who did not want to be licensed in the way required. This was true even when we offered to pay for the license. If we required staff to be licensed, they incur a liability issue that they are not willing to take on. It seems unfair that we would be penalized for a decision that rests with members of our collective bargaining group. In addition, the rate in which we would get reimbursed for Medicaid is not equal to our current staff salaries. • While moving all the federal dollars to IDEA distributed by size, will lighten the load for our special education staff, it may cause us to actually lose money. It is difficult to tell without knowing the allocation, but it seems like it would be difficult to spread the dollars out to districts without some gaining and some losing. If we could somehow allocate money based on IEP need rather than a general allocation, that would help. One of the challenges is how our salaries vary due to regionalization. Allocations would need to be based on actual salary costs associated with an IEP.
School District Administrator	Great work by the committee - I am in support of all the recommended changes!
School District Administrator	Thank you for the work on the safety net review. I support the recommendations!
School District Administrator	I support the recommendation to shift the Safety Net funding to state funds only if the shift of the 14,787,000 of federal IDEA funds will increase the flow-through to districts. I am not clear on how

Stakeholder Role	Comment
	<p>the flow-through dollars would be increased to each district. Will that be shared with districts as part of the explanation of recommendations?</p>
<p>School District Superintendent</p>	<p>1) pre-approval of services that are clearly necessitated by the IEP and are reasonable and customary for similar cases. Making districts wait almost a full school year while services are provided causes a great deal of uncertainty, especially in small districts.</p> <p>2) simplification of the overall process. We had our first application two years ago with current administration, and our superintendent, special services director and business manager were unable to complete the application without at least 12 separate consultations with OSPI Special Education.</p> <p>3) The process is primarily fiscal, with LEAs applying for additional funding to cover services that go above and beyond. The process of applying for or receiving safety net funds should be treated as such. Instead of relying on expert panels to determine if the services are appropriate, the process should be in most cases (exceptions for a dollar amount, unusual therapy, etc.) should be contained on a list the same way that OSPI handles state vendor lists for vehicles and other purchases.</p>
<p>ESD Staff</p>	<p>Thank you for sharing the draft. I appreciate all the work that goes into managing a workgroup to address safety net issues. In reading through I generally found the report well written and clear. I provide the following constructive feedback:</p> <p>Paragraph 8, needs some work. The header addresses the funding multiplier but the content jumps around with no cogent theme.</p> <p>First Paragraph: addresses the multiplier. Its composition leaves me unclear as to what "This" is valued at \$21,180,000. Integration rate?? Change in cost multiplier??</p> <p>Second Paragraph jumps into staff time required to completing SNET documentation. I fail to find a tie into the multiplier.</p> <p>The final jump is in the recommendation that addresses the 1077 Excess Costs Methodology. No tie to the multiplier.</p>

Stakeholder Role	Comment
	<p>The recommendation – seems misguided. It implies the cause of underfunding is the school districts’ excess costs accounting methodology. By questioning an accounting practice, you’re providing the legislature a diversion from promptly addressing their negligent role in the Special Ed underfunding.</p> <p>By making this soft attack on the 1077 method, you’re potentially unlocking a door to “Fully Fund” Special Ed by making an accounting change to take more from Basic Ed without increasing overall district revenues. This is misguided.</p> <p>Based upon the paragraph 8 topic, the recommendation emphasis should be focused on work to ultimately evaluate and increase the costs multiplier thereby increasing the overall funding and reducing districts’ over reliance upon Safety Net.</p>
School District ESA	<p>The current safety net system could be improved by:</p> <ul style="list-style-type: none"> - Reducing the workload required for submission. Currently a large number of hours from administrators, support staff and teaching staff are needed to create the required error free submissions. All of these hours cost districts at least a dollar per minute. - lower the threshold from the current \$30,000 (? not sure of the exact amount) as any excess costs to serve students must be paid out of the (reduced) local levy capacity. - Allow districts to re-submit corrected paperwork. The purpose of the process needs to shift away from rejection of submissions because of non-consequential errors to one that has the purpose of covering the excess costs of providing the required services to students. Accountability for appropriate levels of service is fine and would seem more important than minor paperwork errors (which can be corrected)
WSCSA	<p>Charter public schools have been advised that the excessive related service transportation costs of transporting a high needs, safety net eligible student are ineligible for safety net consideration. Transportation that is a highly specialized and appropriately documented as a related service of a</p>

Stakeholder Role	Comment
	<p>student's IEP should be an allowed reimbursable expense. Charter public school transportation allocation is calculated differently than traditional school districts. Charter public schools receive transportation funding that is calculated per eligible student based on the allocation for the previous school year to the school district in which the student is located, which does not cover the costs of specialized transportation that is a part of the IEP. We request that the workgroup consider adding language to the recommendations to include transportation costs that are significantly more than their per pupil transportation allocation as an allowable safety net reimbursement.</p>
Olympia Resident	<p>This is to comment on the draft safety net recommendations, specifically on language from page 13 of the draft.</p> <p>I am basing my comments on the assumption that students eligible and receiving special education services, are basic education students first and that districts are required to use BEA funds for their education.</p> <p>The draft language on page 13, whether it was intentional or not, makes it sound like that districts are using their state special ed funds first and then may be forced to use BEA funds.</p> <p>"This requires LEAs to absorb the extraordinary costs for some students with disabilities (which are required under IDEA) and use basic education funding or provide additional documentation to request partial reimbursement..."</p> <p>Aren't districts supposed to be using their BEA first for each and every student eligible and receiving special ed services? This sounds like the BEA is supplemental instead of primary, especially with the 'or' request safety net.</p> <p>It was my understanding that districts are to exhaust the BEA, the state special ed funding, which has been increased and the federal funding (not safety net) and then if the district must have spent over and above all of these before requesting safety net.</p>

Stakeholder Role	Comment
	<p>The language on page 13 rang alarm bells for me because I happened to sit through the whole special ed funding (failed) lawsuit trial and districts could not prove they were exhausting, or in some cases even using any the BEA dollars.</p> <p>My recommendation is to take a look at this language on page 13 and make some changes that reflect that students eligible and receiving special ed services are basic ed students first (so that districts know this) and BEA funds are to be spent on these students, same as all other students.</p> <p>Thank you for consideration of these comments.</p>
PSE	<p>Thanks for your interest in hearing from PSE about the important work of the workgroup. PSE represents an estimated 13,000 paraeducators around the state. Paraeducators in Washington State provide the overwhelming majority of instruction to special education students (see the attached charts). The data also shows that over the last 3 years school districts are increasing their hiring of paraeducators to instruct special education students. Unfortunately, those paraeducators both anecdotally and empirically receive little to no training how to instruct special education students (see the attached spreadsheet).</p> <p>Over the last several years, PSE has been successful convincing the legislature to support paraeducators. Your recommendations don't help continue building momentum when you don't mention they exist much less the problems they face. Maybe it would have been helpful to have a PSE representative on the workgroup.</p> <p>School districts hire paraeducators to instruct special education students because they are cheaper than teachers. Then school districts fail miserably when they don't train the paraeducators they hire. It appears this is a direct result of inadequate funding from the State or Federal Government. It would seem to me that a natural recommendation from the workgroup would be that special education funding needed to be increased so that school districts had the funds necessary to train their paraeducators. <u>Special education students, their parents, and paraeducators deserve better.</u></p>

Stakeholder Role	Comment
	<p>I could have missed it somewhere but I didn't find any reference to the instructional role of special education paraeducators or their lack of training (much less the injuries they suffer when they are not trained). The closest the recommendations come is the following: "Recognize the short and long term fiscal impact of the increased use of nonpublic agencies to support students with significant behaviors and the need for LEAs to have additional funding to develop internal capacity of staff and recruit specialized staff by providing competitive pay and supports."</p> <p>Not only is this offensive (it starts out asking for state assistance for subcontracting paraeducator jobs), but it doesn't even mention paraeducators exist (using instead the term "staff").</p> <p>This lack of clarity falls far short of what is needed. We recommend that you spend more time and effort describing:</p> <ol style="list-style-type: none"> 1. The extent to which the state and school district's rely upon paraeducators to instruct special education students. 2. The extent to which school districts don't provide paraeducator training. 3. The injuries paraeducators receive as a direct result of not being trained. 4. Specific recommendations on how the workgroup would address the lack of training (both safety and instructional) for paraeducators.
School District Administrator	<p>I would like to make the following comments regarding the recommendations of the Safety Net Legislative Workgroup:</p> <p>2. Funds Used to Support Safety Net: I support the use of only state funds and reserving the IDEA funds, if this allows the threshold to be lowered.</p> <p>As for recognizing the short and long term fiscal impact of the increase used of nonpublic agencies, we appreciate this recognition. Our contracting costs are very high and we rely on these</p>

Stakeholder Role	Comment
	<p>agencies to support students with significant behaviors. We are expanding a program in-district to serve this type of student. It would be good if programs like this one could qualify for additional funding to develop our internal capacity.</p> <p>4. Safety Net Application Process: I support the transition from a paper application to an electronic process. We waste a lot of paper. While we would still need to scan a lot of documents, we could save some trees and a trip to Olympia.</p> <p>Also, modifying the current language requiring a “properly formulated IEP” to include a review of a sample of IEPs is a great idea. I have questions about how the sample of IEPs would be determined, however.</p> <p>Under the Modification of Community Impact application language, we would need to disagree. Even if we are under the 13.5% funding index, we could still have extraordinary costs associated with unique attributes that are not related to LEA philosophy, staffing decisions or service delivery choices.</p> <p>5. State Special Education Oversight Committee and Application Review Process: I agree that the order of Safety Net reviews should be revised so that high need student applications are reviewed first.</p> <p>8. Revision to the Special Education Funding Multiplier of .9309%: I am not sure why a study group would need to be convened to evaluate the State Excess Cost Methodology. Whoever has the ability to modify this should look at a tiered multiplier.</p> <p>Thank you for the opportunity to provide comments to these recommendations.</p>
WASA	<p>On behalf of the Washington Association of School Administrators (WASA) and our membership of primarily district office administrators, please accept our endorsement of the recommendations coming forward from the Safety Net Legislative Workgroup. We appreciate the workgroup’s</p>

Stakeholder Role	Comment
	<p>thorough review of the Safety Net process, leading to recommendations that, among other things, increase efficiencies by reducing unnecessary administrative burden. WASA would encourage the continued consideration of - and support for- a tiered multiplier system in lieu of the current system.</p>
<p>School District Administrator</p>	<p>Good afternoon. Thank you for the opportunity to provide feedback on the recommendations to Superintendent Reykdal regarding changes in Safety Net. Though I am the one sending the email, these comments were collected from all administrators in our Student Special Services department.</p> <p>Generally, we appreciate the change in language from “awards” to “reimbursement” throughout the WACs. The remainder of our feedback will be provided section by section:</p> <ul style="list-style-type: none"> • Section 2 - Funds Used to Support Safety Net. <ul style="list-style-type: none"> ○ We appreciate the recommendation to use only state funds and, therefore, remove the requirement of a threshold based on a multiple of the APPE ○ We are unclear on how the reallocation of IDEA funds, particularly if a lower threshold for reimbursement is established as a result, might result in fewer safety net applications ○ We agree with the work group’s recommendation re: prioritization of options in the event of temporary under-funding of Safety Net • Section 3 - Definition of High Needs Applicant <ul style="list-style-type: none"> ○ We are unclear on the recommendation that, in the case of a student not attending regularly, the LEA provide evidence of action from the LEA prior to prorating reimbursement. Does the committee intend to recommend that once such evidence is provided (and the IEP is otherwise deemed reimbursable), the Oversight Committee should recommend full reimbursement for that student or that the Oversight Committee should only recommend prorated reimbursement after such evidence is provided, meaning that no reimbursement would be provided if the district is unable to demonstrate compliance with the RCW? Though we understand and support the intent of and need for this RCW, the committee should also recognize that this

Stakeholder Role	Comment
	<p>requirement would increase the workload of preparing a Safety Net application, which seems to run counter to some of what the workgroup hoped to achieve in making the process less cumbersome and time intensive.</p> <ul style="list-style-type: none"> • Section 4 –Safety Net Application Process <ul style="list-style-type: none"> ○ We believe that the first WAC reference in this section (WAC 392-140-695) should actually be WAC 392-140-605 ○ We agree that districts should be able to access reimbursement, regardless of whether or not special education enrollment exceeds 13.5% ○ We love the idea of electronic-only submission! ○ We agree with the recommendation of allowing a deduction for those LEAs choosing not to pursue Medicaid reimbursement ○ Regarding changes to the individual IEP review process: we appreciate the possibility of the IEP review process being significantly less cumbersome for the district and the review committee. We are unclear on what the implementation of the recommendation for changing the language around a “properly-formulated IEP” would look like. Would each district’s individual applications only be reviewed in the areas identified as issues through WISM, unresolved audit issues, or a review of sample IEPs, meaning that each LEA’s areas of review could be different (e.g. some districts’ IEPs could be reviewed only for measurable annual goals and others might be reviewed for present levels of performance and transition plans)? ○ All of the Community Impact clarifications would be greatly appreciated. • Section 5 – State Special Education Oversight Committee and Application Review Process <ul style="list-style-type: none"> ○ We are concerned that moving the high needs application deadline to earlier in the year will result in more “unreimbursable” expenses being incurred by districts, due to students whose services are high cost moving into the district after the deadline. We would appreciate an opportunity, regardless of whether or not the deadline is changed (but especially if it is), to submit an addendum to our application sometime in the spring that captures any students that enrolled after the application deadline.

Stakeholder Role	Comment
	<p>Also, setting an earlier application deadline will make it even more challenging for district's to appropriately determine students' ESY needs.</p> <ul style="list-style-type: none"> • Section 6 – Safety Net Decisions and Funding to LEAs <ul style="list-style-type: none"> ○ We would be so appreciative of the opportunity to provide additional/missing documentation. In the past we lost funding because of a copying error that resulted in missing IEP pages, which had nothing to do with whether or not a student was receiving appropriate services and warranted reimbursement. ○ See above for concerns about an earlier application deadline • Section 7 – OSPI Technical Assistance for Safety Net Process <ul style="list-style-type: none"> ○ We love all of these recommendations! • Section 10 – Recommended Revisions for WAC 392-140-600 through -685 <ul style="list-style-type: none"> ○ Regarding proposed wording of a new WAC subsection for "Definition – Capacity for Funding" –please double check phrasing. The first sentence is a run-on, it appears to have multiple clauses and may be missing several words.
Parent	<p>I am writing as a parent of a student with disabilities. My school district has not had to request reimbursement for the services my son requires, but I understand the Safety Net process to be important for families across Washington State. I have also heard from the administrators in my home district who have described the barriers that exist in applying for reimbursement.</p> <p>Overall, I am satisfied with the composition of the workgroup who have put forth these recommendations for public comment.</p> <p>I think it is important to remove barriers for districts who require additional funding to serve their students. At the same time, I feel it is important to look at IEPs that are seeking funds that include out-of-district placements and residential placements. I would also be curious of the demographic make up of those students who have exceptional needs that go beyond what a district states it can fund for or provide. I am particularly curious about the demographics around race/ethnicity and sex (male, female, or other) and the degree to which parents or other family members were involved in the process in the determination of their child's needs.</p>

Stakeholder Role	Comment
	<p>As OSPI moves forward in this process, I would also recommend a member of the Safety Net Committee that is outside the department of special education who can also make recommendations that comes from through a lens of cultural humility and proficiency. I am particularly concerned about Safety Net applications that might involve the out-of-district placement or residential placement of American Indian or Alaska Native students which is a special population with historical trauma involving American Boarding schools which did great harm to our Tribal/First Nation communities.</p> <p>Thank you for all the work and thought that went into the process of improving outcomes for students with disabilities.</p>
School District Administrator	<p>Thank you for the thoughtful and thorough review of safety net with resulting recommendations. Please extended appreciation to the workgroup members and OSPI staff. I could not agree more with all of the recommendations and fully support this movement. I believe that the recommendations address the many issues raised by districts in a fair manner. My only one comment is for recommendation #7 regarding the survey. In the past the survey was not anonymous which limited many from participating. If districts could participate anonymously, that would be preferred.</p>
School District Administrator	<p>I support all of the recommendations that the Safety Net Committee recommended. The proposed changes help relieve districts of the workload while still maintaining accountability at the LEA and OSPI.</p>
School District Administrator	<p>Thank you for your work on this important issue. I was a special education director in a small rural district last year that submitted its first safety net application this past spring. It was denied due to the IEP not being properly formulated.</p> <p>Having recently gone through this process. I think the recommended changes are very important and much needed. In particular, I like the recommended changes regarding submitting records electronically, reviewing the language around a "properly formulated IEP", changing the</p>

Stakeholder Role	Comment
	recommendations that the team can make beyond award/no award, and the ability to submit new information on appeal.
School District Administrator	Looks good! Thanks for the hard work.
School District Administrator	<p>Positives:</p> <ul style="list-style-type: none"> - Removing federal funding from Safety Net reimbursement pool – supports additional money being allocated to LEAs upfront and removes federal threshold deduction - Electronic submission!! - Continuing to review and provide recommendations on the multiplier - Clarifying factors that can be submitted for Community Impact - Initial review feedback/requests for additional documentation prior to application being submitted to the oversight committee - allowing high needs applications whether or not district is at 13.5% (if demonstrate capacity) <p>Suggestions/questions:</p> <ul style="list-style-type: none"> - Options for prorated distribution – preference would be 1) Prorating to all LEAs equally 2) Distribution based on demonstrated capacity and 3) proration with funds first released to second class districts. - With proposed changes to “properly formulated IEP” will all high needs IEPs still be submitted? Or will the sample be reviewed and only Worksheet A and Worksheet C (with fiscal documentation) be required? The information in #4 and the application review process in #5 were hard to align/reconcile (where is the finding of non-compliance – on the sample or a high needs IEP?) - Were other state’s safety net processes considered as possible examples/exemplars?
Attorney/Advocate	<p>This comment letter addresses the draft recommendations of the workgroup advising the Office of the Superintendent of Public Instruction (OSPI) about possible safety net improvements.</p> <p>1. Problems with the Legislature’s request</p>

Stakeholder Role	Comment
	<p>It is important to emphasize at the outset that a “safety net” should not be necessary at all. The Legislature should fully fund the actual costs of special education <i>through regular apportionments</i> as part of its paramount duty to provide a basic education for every child in Washington. The current legislative scheme <i>intentionally</i> underfunds special education by: a) capping the percentage of students with disabilities in each district who receive special education funding at 13.5 percent; b) allocating a generic amount of money to each special education student based on an outdated “multiplier,” without regard to the actual costs of meeting individual students’ needs; c) using a “prototypical school” funding model that provides for less than one para-educator <i>per school</i>, although para-educators are needed in <i>every classroom</i> to avoid unlawful segregation of students with disabilities; d) preventing school districts from using local levies to fill future gaps in special education funding, without providing enough state money to close those gaps; and e) offering a “safety net” of special education money that falls dramatically short of the difference between the State’s regular (formula-driven) apportionments and actual spending on special education, and that requires surmounting bureaucratic barriers. See RCW 28A.150.260(5), RCW 28A.150.276 and RCW 28A.150.390. The so-called safety net is essentially the Legislature’s way of saying, “We want to make it hard for children with disabilities to get what they need,” posing a legal and moral problem.</p> <p>Illustrating the problematic thinking that spawned this effort, the Legislature asked OSPI: “Should a school district be able to access the safety net when a school district’s enrollment of students with disabilities exceeds the statutory limit of thirteen and five-tenths percent?” See 2017 3rd sp.s. c 13§ 408. The question is framed as if a school district is somehow at fault – and deserving of financial punishment – if it chooses to serve all children with disabilities who live in its service area. But of course, the Individual with Disabilities in Education Act (IDEA) leaves no choice. See 20 U.S.C. 1400 et seq. The IDEA requires a free and appropriate individualized education for every eligible child, regardless of whether a district happens to have more than 13.5 percent of students qualifying for special education. It is astonishingly unfair for the Legislature to even consider withholding “safety net” funds from children simply because they live in districts exceeding the arbitrary 13.5 percent cap on funded enrollment. Those children are just as deserving, and have the same right to a basic education, as any other children.</p>

Stakeholder Role	Comment
	<p>Also illustrating the Legislature’s unfair mindset, OSPI was asked: “Should the definition and the limitation on the amount provided for high need students be adjusted?” 2017 3rd sp.s. c 13§ 408. Under the IDEA, each district has to meet each eligible student’s individual needs appropriately, regardless of whether those needs are “high” or “low” or in between. See 20 U.S.C. 1414(d). A “limitation on the amount” is a funding cap and should not be part of the dialogue at all. Like the refusal to fund special education for more than 13.5 percent of a district’s students, a refusal to fund special education for some “needs” – and not others - is unfair and contrary to the Legislature’s paramount duty to fully fund basic education for every child.</p> <p>2. Workgroup recommendations</p> <p>Recognizing the problematic framework set by the Legislature for the workgroup’s efforts, and assuming that Washington is stuck with a “safety net” in lieu of adequate regular apportionments, we think the draft recommendations of the safety net workgroup are generally a step in the right direction. We especially appreciate the recommendations to revisit the inadequate funding formula for regular apportionments (Draft, pp. 13-14) and to make safety net money available when a school district’s “special education expenditures exceed special education revenues” (Draft, p. 8). However, the recommendations do not go far enough in ensuring that the individual needs of every child are addressed appropriately as required by the IDEA.</p> <p>The workgroup seems to recommend eliminating the requirement for an Individualized Education Plan (IEP) to be “properly formulated” in order to generate “high need” money. Draft, pp. 10, 16-18. While we share an interest in efficiency, we continue to see too many violations of the IDEA, whether due to misunderstanding of the law or lack of resources or misperceiving what supports will be effective. We believe that financial incentives for compliance – such as requiring IEPs submitted for safety-net funding to be properly formulated - are vitally important to ensuring opportunities for children to succeed. We encourage OSPI to consider how to streamline the process without relaxing oversight. A more appropriate target for streamlining would be the requirement to show that all of a district’s special education spending is “legitimate” and not inflated by “district philosophy, service delivery choice or accounting practices.” See RCW 28A.150.392. This requirement ignores that the IDEA provides elaborate procedural safeguards designed to ensure the appropriateness of each child’s special education services, including careful</p>

Stakeholder Role	Comment
	<p>individualized planning by a team familiar with the child’s needs based on science-based considerations, and the right to judicial review. See 20 U.S.C. 1414(d) and 1415. It is better for children – and for society – to focus on what services will be most effective, rather than second-guessing whether services could be less expensive.</p> <p>Also, we do not understand the reasoning regarding “community impact” money. The workgroup seems to be saying that: a) only those school districts with more than 13.5 percent of students enrolled in special education should access this money; and b) the money should be available only when those districts can identify some unique demographic, environmental, sociological or other reason why more than 13.5 percent of the districts’ students have disabilities. Draft, p. 12. First, as noted above, the 13.5 percent cap on funded enrollment is arbitrary and should not be part of this State’s allocation system at all. Districts have to serve all children eligible for special education living in their service areas, regardless of the reasons why they moved there. Second, school districts are in the business of educating students, and do not have expertise in – nor control over – the demographic, environmental or sociological factors that may influence the housing choices of families. It makes no sense to withhold funds needed for special education simply because a financially strapped school district cannot figure out why its population is what it is. Third, this change would prevent most of the largest school districts from accessing “community impact” money because the 13.5 percent cap affects primarily small districts. The larger districts, such as Seattle, are the most likely to have regional hospitals that serve as magnets for children with disabilities. While we appreciate the intent to help funding-capped districts, we would make this funding available to all districts with unique cost factors and make it automatically available to funding-capped districts without the need to document such factors.</p> <p>Finally, it seems that the recommended threshold for accessing “high need” money would vary each year, according to the resources that the Legislature makes available. We emphasize that the resources must match the IEPs, not the other way around.</p> <p>In sum, given the current funding landscape, we support making safety net funds easier to access with appropriate (not onerous) procedures to demonstrate a district’s need. Thank you for considering these comments.</p>

Stakeholder Role	Comment
WSDS	<p>Thank you for reviewing the current Safety Net process. In our work providing child-specific technical assistance to IEP teams working with children with low-incidence disabilities and complex needs, we have been aware of the frustration and confusion caused by Safety Net applications. The posted Safety Net recommendations appear to be well-considered and provide viable alternatives to the current process. Thanks for your leadership and perseverance!</p>
School District Administrator	<p>I am writing this letter in response to your call for public input on the recommendations put forth by the Safety Net Workgroup on the Safety Net Process. I appreciate the thoughtful review, time and effort the team has put forth in evaluating the Safety Net Process and making recommendations to Superintendent Reykdal. This review and potential change in the Safety Net Process is one that gives many hope that we can turn our attention to instructional practices with the appropriate funding to make a difference.</p> <p>In my role as Executive Director of Special Services in a School District, I am responsible for the budget. A part of our budget is our Safety Net submissions for our high cost students. I have been a District Director of Special Services for over ten years. In that time our Special Services Department has consistently drawn between 2 - 5 million from our general fund to cover the cost of services needed for our students with disabilities. We are thankful that we have the ability to apply to the state to cover a portion of the cost we encumber providing our high cost students with Free and Appropriate Public Education (FAPE). Over the last five years, we have submitted to the Safety Net committee for funding consideration: 60 - 70 IEPs annually, requested \$900,000 to \$1.6 million and have been awarded \$900,000 to \$1.4 million depending on various factors. As a district, we are dedicated to meeting the needs of all students using our resources (time and money) in the most effective and efficient manner. However, many of the students we are enrolling are presenting with more profound medical, health and behavioral challenges, taxing our limited resources and stretching our capacity. One of the factors unique to our region is our proximity to Joint Base Lewis McChord. They provide a "compassionate placement" for military personnel who have students with high needs disabilities with the unintended effect of increasing the financial demands on our district. The need to address the Safety Net Process is paramount while we continue to work toward closing the achievement gap and preparing students for life after K-12 education. I am thankful the Legislature directed OSPI to review the Safety Net Process and make</p>

Stakeholder Role	Comment
	<p>recommendations and possible adjustments to improve the process and evaluate the appropriate funding level. I have reviewed the recommendations of the workgroup and have outlined my thoughts and concerns regarding their recommendations below.</p> <p>1.) Purpose of Safety Net Funds: Workgroup recommends that the purpose of the Safety Net remain the same,..... requests the use of the term "reimbursement" rather than the current term "award".</p> <p style="padding-left: 40px;">a. Agree - This recommendation allows a more accurate representation of the process and impact on districts.</p> <p>2.) Funds Used to Support Safety Net: The Workgroup recommends that the Safety Net Process use only state funds, and that the \$14,787,000 of federal IDEA funds reserved each year remain with other IDEA funds, allocated to OSPI for administration, state-level activities, and flow- through to LEAS.</p> <p style="padding-left: 40px;">a. Agree - The flow through of Federal funds directly to districts may provide us the ability to recruit specialized staff (BCBA and/or Social workers as examples) to build staff capacity to provide services in district to some of our more challenging students. This could limit our out of District placements therefore reducing costs and safety net submissions. I do wonder if the regionalization factor will impact districts that have the lower regionalization factor when it comes to meeting threshold in some cases.</p> <p style="padding-left: 40px;">b. The Workgroup also recommends the following process be formally adopted in RCW and/or WAC in the event of a temporary under-funding of Safety Net as requests exceeded estimated participation - Agree - The process outlined in the recommendations when there is an underfunding of Safety Net is an equitable way to address the concern.</p> <p>3.) Definition of a High Need Student Application: Workgroup recommends that the High Need Student Application definition be amended to modify the "properly formulated IEP" language, which is addressed in detail in # 4 below. The Workgroup also recommends that current OSPI practices for fiscal adjustment be continued, with the exception of changes to the prorating of costs for nonattendance by the student. In the case of a student not attending regularly, the</p>

Stakeholder Role	Comment
	<p>committee requests that the State Special Education Oversight Committee request evidence of action from the LEA in compliance with RCW 28A.225.020 prior to prorating reimbursement.</p> <p>a. Agree - We appreciate the OSPI review checklist to support the development of a compliant IEP. However, reviewing each safety net IEP for compliance of the 32 items is very time intensive, requires multiple staff members to review and takes away from the time that should be dedicated to instruction. The current practice of prorating services for non-attendance is a financial drain in many cases as districts are often incurring cost whether the student attends or not. This section did leave me with the following question:</p> <p>1) Would there still be a 442 process for the safety net IEPs that were not fully funded?</p> <p>4.) Safety Net Application Process: The Workgroup recommends that the Safety Net application process be amended and streamlined in the following ways, to reduce the impact on staff preparation and increase applications from LEAs with limited staff capacity:</p> <p>a. Agree with all 10 points</p> <p>5.) State Special Education Oversight Committee and Application Review Process: The Workgroup recommends that the application review process be amended and streamlined in the following ways, to reduce the amount of time volunteer State Special Education Oversight Committee members spend reviewing application.</p> <p>a. Agree - The ability for the Safety Net committee to provide conditional approval and prorate the funding acknowledges the cost the District has already incurred in supporting the student. Some funding is better than none.</p> <p>6.) Safety Net Decisions and Funding to LEAs: The Workgroup recommends that the Safety Net decisions and funding to LEAs process be amended and streamlined in the following 2 ways:</p> <p>7.) review the submission of additional documentation, if specifically requested by the Committee during the initial review and included in the OSPI conditional decision letter. Any decision to deny funding to an LEA in whole will be reviewed by the Superintendent or the Superintendent's designee prior to being finalized. The Workgroup recommends that OSPI staff consider methods to request Safety Net applications from LEAs earlier in the school year to allow for the 20-day request and reconsideration process be extended from 20 to 30 days.</p> <p>a. Agree</p>

Stakeholder Role	Comment
	<p>8.) OSPI Technical Assistance for Safety Net Process: Workgroup recommends 3 items - Safety Net Survey be amended and collect LEA input on specific activities that could be improved to assist LEAs with completing accurate and complete applications. Data from previous Safety Net process, including final decisions of noncompliance and fiscal adjustments be summarized and provided to LEAs in advance of the next process within the Safety Net bulletin and provided to LEAs at the end of the school year to use in preparing for summer and fall staff training. OSPI staff request from LEAs identified missing documentation prior to State Special Education Oversight Committee reviews, if identified during an initial review.</p> <p>a. Agree</p> <p>9.) Revision to the Special Education Funding Multiplier of .9309%: The Workgroup recommends that a study group be convened to evaluate the State Excess Costs Methodology implemented pursuant to section 501 (1) (k), chapter 372, Laws of 2006 -</p> <p>a. Agree - A study group would be beneficial to review districts' financial commitments in providing services for our students with disabilities. Our Chief Financial Officer, Bang Parkinson, has reviewed our special education funding and believes if the multiplier was increased to 1.1 this would meet our funding needs for our students with disabilities.</p>
WEA	<p>The Washington Education Association (WEA) appreciates the opportunity to provide public comment for the Superintendent of Public Instruction's recommendations for the state's special education safety net program. WEA is the largest education union in the state representing K-12 teachers, classified education support professionals, higher education faculty, retired educators and future educators across the state. We appreciate the importance of the safety net program in our schools to ensure our special education students receive individualized education and resources to maximize their learning opportunities.</p> <p>Our state's constitution in Article IX, section 1 states that it is the paramount duty of the state to make ample provision to ALL students within its borders. In school year 2016-17, Washington State school districts reported \$1.7 billion of expenditures for special education, yet only received \$1.5 billion in state and federal revenues to provide these services. The Washington State Supreme Court in <i>McCleary v State</i> found that the state had failed to meet its paramount constitutional duty</p>

Stakeholder Role	Comment
	<p>to amply fund a program of basic education since the level of resources provided by the state did not meet the actual cost of providing the basic education program in school districts.</p> <p>The state legislature in an effort to rectify this underfunding has required your office to form this working group and provide recommendations ensuring sufficient funding for school districts with demonstrated needs for additional special education funding in excess of the state’s special education funding formula and federal resources can be provided to school districts.</p> <p><u>Elimination of the Average Per Pupil Expenditure Threshold.</u> WEA supports the recommendation to eliminate the average per pupil expenditure threshold and instead reimburse Local Education Agencies (LEAs) for their demonstrated expenditures in excess of all state and federal funding available for special education services.</p> <p>This report defines the demonstrated capacity funding by looking at total annual state and federal special education expenditures. This recommended definition makes it difficult for a school district to determine in the current year their eligibility for safety net funding. A school district will only know if they have exhausted all special education program funds after the close of the fiscal school year and after all accounting adjustments have been made. A different approach would be to determine a per pupil rate of state and federal revenues anticipated to the program of special education, excluding safety net funding, and allow the excess safety net costs per student to be generated from this average. An end of the year “true-up” or adjustment to this per pupil rate could be done by the state to ensure the budgeted assumptions by the district track the actual expenditures.</p> <p><u>Additional Workload Concerns.</u> This report makes recommendations to ease workload concerns for the reporting and tracking of safety net expenditures. While the recommendations will reduce the workload, there should be a recognition that additional staff resources will be needed. Additional support staff full-time equivalents (FTEs) should be recommended to process the change in workload. At a minimum, the Superintendent of Public Instruction should ensure staffing</p>

Stakeholder Role	Comment
	<p>enhancements for this purpose are reviewed during the legislatively mandated "Class Size Reduction" technical working group directed by EHB 2242, section 905 (2017). Without staffing enhancements to track state reimbursements educational opportunities for special education students are potentially harmed.</p> <p><u>Additional Study of the Multiplier.</u> This working group recommends additional study of the state's funding formula for special education. There is no need for further study, but instead there is a need for action to solve the underfunding of this program. This report states that, "half of Washington LEAs still report they are under-funded for the special education services they are required to provide. This requires LEAs to absorb the extraordinary costs for some students with disabilities (which are required under [Individuals with Disabilities Education Act] IDEA). . ."</p> <p>Current Office of Superintendent of Public Instruction (OSPI) financial accounting data shows the special education funding formula provided in RCWs 28A.150.390 does not provide ample state resources to this program in many school districts. Many statewide studies and reports have already been completed over the years with the same conclusion. Past recommendations have been to change the multiplier to 1.2 to allow for an average of 12 hours of certificated instructional staff time for instruction per student to implement school district services identified in Individualized Education Programs (IEPs). Making a recommendation to study a problem that is already clearly defined is a backwards process. Instead, a recommendation should be made to solve the problem using the prior studies and data already reported by school districts.</p> <p><u>Special Education Funding is Basic Education Funding.</u> This report should properly identify the Special Education program as a legislatively defined component of the state's basic education program. This report uses terminology throughout that has the effect of bifurcating "basic education" students in the general education classrooms from special education students. All of these students are basic education students regardless of which program of instruction they receive educational services from.</p>

Stakeholder Role	Comment
	<p>The program of basic education is defined in RCWs 28A.150.200 and 28A.150.220. Specifically, RCW 28A.150.220 (3) states, “The instructional program of basic education in each school district shall include. . .The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020.”</p> <p>Additionally, this report makes recommendations about how to pro-rate safety net funding, if the legislature does not provide sufficient funding to this basic education program. The Doran Decision II, as quoted in OSPI’s Organization & Financing of Schools document, states, “Once the legislature has established what it deems to be 100 percent funding for basic education, that level may not be reduced (notwithstanding an economic crisis) unless the amount appropriated was in fact in excess of 100 percent funding.” The state’s duty to fund basic education does not change due to a fiscal crisis. Determining a process to pro-rate a basic education program seemingly gives the legislature permission to avoid their constitutionally mandated duty to fund basic education.</p> <p><u>Lack of Parent or Educator Representation of the Working Group.</u> This working group convened by OSPI lacked adequate representation of parents of students with disabilities or the educators who work with these students and their families every day. Additionally, meetings of this working group were not advertised publicly for interested stakeholders to attend. WEA remains concerned that these recommendations were developed without broad stakeholder involvement. We appreciate the ability to review and comment on the recommendations of the working group, primarily comprised of school district administrators and OSPI staff, after they were created. Adding parents and educators from around the state this working group would most likely have added to the discussions that created these recommendations and quite possibly would have changed the direction of these recommendations. As future working groups and task forces are created by this office, we hope educators and parents can have an equal voice at the table.</p>
School District Administrator	<p>Below are some comments about the safety net process from our perspective.</p> <ul style="list-style-type: none"> • Section 2 – Use of state funds only – It would be helpful for districts to know the impact on the IDEA allocation BEFORE a new model is approved and before 2019-20 budget timelines.

Stakeholder Role	Comment
	<ul style="list-style-type: none"> • Section 5 – Revise the order of Safety Net application review so that high need students are reviewed first <ul style="list-style-type: none"> ○ It takes a lot of time to prepare all the student data for a March deadline. To be ready by February would be a difficult timeline. Recommend a new timeline and not just keeping the same 2 dates February/March. ○ A suggestion would be to have an IEP cutoff date for submitting safety net approximately 3-4 weeks before the application is due date to OSPI. This would allow districts time to complete worksheet C without multiple changes that happen last minute when an IEP meeting is held (unexpectedly) around the safety net cutoff date. (Example: IEP’s through 2/25 and application with all worksheets, etc. due to OSPI 3/15.) <p>General comment about applicant’s total resources available to demonstrate a fiscal need:</p> <ul style="list-style-type: none"> • The special ed expenditures reflect excess cost over and above a basic ed student. It does not seem appropriate to include the Gen Ed Apportionment as revenue available to the district to offset high cost safety net student expenditures. <p>Thank you for all your work toward making this process even better!</p>
School District Administrator	<p>First, thank you to those who served on this review committee.</p> <p>Item 1 I like the proposed change from "award" to "reimbursement". It is more accurate.</p> <p>Item 2 I agree with the suggestion that we not rely on federal funds for safety net, and adjust down the threshold for awards. Many awards have been declined because they have been just under the current threshold established at the federal level, and this puts an undue hardship on districts, especially smaller districts.</p> <p>Also, there is merit in exploring ways to use federal funds to help provide some kinds of high cost services to low incident disabilities through greater federal apportionment directly to districts, or</p>

Stakeholder Role	Comment
	<p>some other mechanism supported at the state level through special needs grant programs, or projects.</p> <p>I also support the idea of allowing for smaller districts (under 2000 students) with limited resources to have access to reimbursement funds ahead of larger districts which in theory may have more capacity to support intense needs.</p> <p>Item 3 I support the idea of adjusting the "properly formulated IEP" language. I have concerns about prorating for non attendance- this could be problematic for children who require a costly staff member to support them daily, but who are medically fragile, homeless, or who have other challenges to attendance. A district who hires a staff member is committed to salary and benefits, and should not be penalized when a child is unable to be present due to factors beyond the district or child/family's control.</p> <p>Item 4 I agree with the suggestions put forth- especially the suggestion about "properly formulated IEP". I agree that community impact guidelines need more clarification, and that there should be guidance for students in residential and juvenile facilities.</p> <p>Item 5 I especially appreciate consideration of the ability to prorate a reimbursement if there are issues within the iep, rather than to void an award, which is currently the case. A pro rated award is an excellent idea.</p> <p>Item 6 I agree with the earlier submission date, so there is time for reconsideration while administrative staff are available to do this. Small districts that do not pay staff to work in July, are not able to</p>

Stakeholder Role	Comment
	<p>meet a reconsideration deadline using the current practice for consideration of appeals. 30 days is better than 20.</p> <p>Item 7 The suggestions for technical assistance are excellent.</p> <p>Item 8 I fully agree that work is still needed to help identify a proper methodology to get closer to fully funding special education for students. The recent increase in the cost multiplier is not sufficient. The excess cost methodology needs ongoing work and improvement.</p>
Role is not known	<p>First of all, thank you to the safety net workgroup for their thoughtful recommendations. I commend this group on their work and fully support any efforts to simplify the Safety Net process.</p>
School District Superintendent	<p>To Whom It May Concern: I have reviewed the recommendations of the Safety Net committee and I applaud the work that went into this document. I really appreciate the thoughts that went into the technical assistance portion of the review. I know being a very small school district, we need help when it comes to completing this application because we do not have to complete this very often and there is only one administrator that does everything. My concerns for a small district are the costs when you have two or more students that have "high needs". We try extremely hard to keep our expenditures as low as possible and serve the student(s) at a high level. However, by truly watching our expenditures and working with the parent and the outside school district, we do not meet the threshold. I wish there was some way to show that a school district has truly done an outstanding job of providing service and be compensated for this. My school district pays \$56,000 a year for two students to attend in a neighboring school district that best fits their needs. The huge bill at the end of the fiscal year is one that always has to be budgeted for. I wish that we could see hard numbers that reflect the exact dollars that we receive for a student (federal and state) to see if the threshold of \$33,685 is realistic.</p>
School District Administrator	<p>1. Change the word AWARD to REIMBURSEMENT: YES! It has always bothered me that in essence, through the SN grant process, we are applying to get our own money back that we've ALREADY spent.</p>

Stakeholder Role	Comment
	<p>2. Use only State Funds, federal IDEA funds remain with other IDEA funds: YES! I also like the recommendations regarding what to do if there were a temporary under-funding of Safety net in comparison to applications. (pro-ration to all LEAS, with funding first being release to LEAs with 2,000 pupils or fewer, etc)</p> <p>3. Definition of High Need Student Application: Change Properly formulated IEP definition: YES!!!! Pro-rating for Absence: YES!</p> <p>4. Change from "Properly Formulated IEP" to Sample IEPs, Electronic submission, portion of supplemental contracts, verification of medicaid billing or deduction, don't require districts be above the capacity for funding: YES to ALL! Thank you for listening!</p> <p>5. Streamlining: reverse order of community impact vs. individual high cost, allowing for pro-rating of reimbursement for IEPs with finding, etc. : YES!</p> <p>6. Safety Net decisions and funding to LEAs: Allow committee to review submission of additional documentation after the initial review, decisions to deny funding will be reviewed by Superintendent: YES!</p> <p>7. Technical Assistance: survey be amended to collect LEA input on specific activities, data from previous Safety net process, including final decisions of noncompliance, be summarized and provided to LEAs in advance of the next school year, OSPI staff request from LEAs identified missing documentation prior to state special ed oversight committee review - YES!</p> <p>8. Revisions to Multiplier: Convene study group: YES!</p> <p>9 -</p> <p>I have been working on the Safety Net Grant since 2001. You have addressed absolutely every single area of frustration for me with these recommendations. Thank you for taking the time to thoughtfully review and reassess the purpose behind this grant. I look forward to seeing how these recommendations are implemented in the coming year.</p>
School District Administrator	Thanks for all of the work to clean up the process and definition of Safety net. I support the recommended changes as written. Will there be a roll out year where these changes are implemented and assessed to see if they met the intent? I hope that the task force can come back

Stakeholder Role	Comment
	<p>together, if needed, after the proposed changes are implemented to make any adjustments if there is some final adjustments that need to be made once these changes are implemented.</p>
<p>School District Administrator</p>	<p>Please consider these comments regarding the proposed changes to the Safety Net process:</p> <p>I have always wondered why there is a complicatedly calculated threshold at all and why reimbursement is tied to minute scrutiny of compliance. To me, the process should be fairly simple. The LEA would submit evidence of why resources beyond state and federal funding were needed to provide FAPE for an eligible student, the committee or individual from OSPI would review why the expenditures were needed and then the district would be reimbursed for the cost that was not covered by state or federal funding.</p> <p>The changes go a step towards this simplified process in some ways, especially by removing the threshold. I am concerned about the proposal to prorate or reduce reimbursement in the result of a budget shortfall. A shortfall seems likely if federal funds are not accessed, but I understand that use of the federal dollars require including the threshold. My question would be, we currently cannot be reimbursed for the difference between the threshold and our allocated state and federal funding. If the threshold is removed, and only state dollars are used for Safety Net, would a budget shortfall and subsequent prorating lead to a situation where we would be reimbursed less than we currently are under the threshold model? I think that could be a negative unintended result.</p> <p>One very frustrating point of the Safety Net process is the seemingly minute errors that can lead to denial of reimbursement. The worst example I have seen was an IEP that was denied award due to non-properly developed transition goals. Specially, the IEP stated something like, "the student will go to a community college to study mechanics" and "the student will be employed in the automotive mechanic industry." The IEP was not funded due to the lack of the words, "after high school..." That particular denial resulted in a significant financial hardship to the district as the student was enrolled in an expensive placement. Lost funding directly inhibits a district's ability to provide for students and approval should not be based on compliance errors that are clerical and not substantive.</p>

Stakeholder Role	Comment
	<p>To me, the system should be based on demonstration of need, rather than compliance at all. For example, if a district provides evidence, such as an evaluation, that it has a student who is deaf and uses ASL to communicate that requires enrollment in a deaf school, reimbursement of the cost of the deaf school placement above state and federal funding should be provided regardless of whether or not the district made a compliance error provided that the error did not result in the denial of FAPE.</p> <p>The proposal to use a sample of IEPs, rather than just review of the IEP submitted for requested reimbursement, is both confusing and a step in the wrong direction. If one out of ten IEPs in the sample were found to have a compliance error, would all submitted IEPs be denied funding? Would 90% of funding be denied? I do not see how that calculation is explained in the proposed changes. Also, a district must provide FAPE to students per the IEP and the associated costs are not optional for a district. It is not fair and seems very arbitrary to deny reimbursement for a required action based on compliance errors in unrelated IEPs.</p> <p>I appreciate the effort of the review committee and thank you for the opportunity to submit comments.</p>
Charter School	<p>In terms of the draft RCW 28A 150 392:</p> <ul style="list-style-type: none"> ○ Safety Net should not be contingent on Medicaid reimbursement for schools in the process of gaining Medicaid reimbursement capabilities, as this is a process that takes a significant amount of time. New charters or small districts may not have the capacity to fully utilize Medicaid reimbursement prior to filing for Safety Net, due to the lengthy application process and should not be penalized for a timeline outside of their control. ○ Paragraph (e) states "Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net reimbursement." If the IEP is written to provide FAPE and in the best interest of the child, Safety Net funds should be awarded to the LEA regardless.

Stakeholder Role	Comment
	<ul style="list-style-type: none"> ○ There's specific language about supporting LEAs who need to send students to WSB and CCDHL, but there's no mention of students who require therapeutic settings for behavioral needs which are just as real as being blind or hard of hearing. My recommendation would be to add similar language around therapeutic settings in the proposed RCW. ● Other feedback: <ul style="list-style-type: none"> ○ Safety Net should be a guaranteed funding source for LEAs ○ Small districts/LEAs should have the 13.5% cap waived (there is a bill out to do this for some small districts this year—but it does not apply to charter LEAs and should) ○ I know there's work being done to increase the multiplier for overall SpEd funding; this is imperative for all LEAs to improve and maintain quality SpEd services and FAPE.
Charter School	<p>I am writing to share feedback for the upcoming Safety Net working group. I'd like to raise the topic of Special Education transportation. Previously, transportation costs were ineligible for Safety Net funding. I would like to make a case that this be waived for charter schools as a result of the funding law for charter schools around transportation. Unlike districts, charter schools do not receive additional funding for special education students even if we provide transportation accommodations. This is financially challenging for small schools (or LEAs in each charters' case) if we need to provide special transportation that extends beyond the typical route boundaries. Destiny Middle Schools currently offers two buses for students with IEPs and the state transportation funding we receive is not equal to what a district would receive to pay for these buses. Can you raise this with Mary Ellen and team? I think it would be fair for charters to apply for Safety Net when transportation is not fully funded for special education students.</p> <p>WAC 392-141-375 Funding for charter schools. For a charter school, the per-student allocation for student transportation is calculated using the actual allocation for the previous school year for the district in which the charter school is located, divided by the district's prior year's combined student count. This per-student amount is provided to the charter school based on the charter school's current year combined student count. [Statutory Authority: RCW 28A.150.290. WSR 15-11-075, §</p>

Stakeholder Role	Comment
	<p>392-141-375, filed 5/19/15, effective 6/19/15.] Legislative Website for WAC 392-141-375 Index for WAC 392-141 http://www.k12.wa.us/Transportation/pubdocs/RCWsandWACsForStudentTransportation.pdf</p>
Grandparent of a Child with a Disability	<p>While camping in the Olympic Mountains, we accidentally came across an article printed in the Sunday (August 5th) edition of the Olympian. The article called for public comments on the Workgroup Recommendations listed above - by August 7th. As the grandparents of a child with a diagnosis of Autism, and trying to get appropriate educational support from the Seattle school system, we are extremely interested in this matter.</p> <p>We were, however, disappointed that this is the first we've heard about this process. We are further disappointed that we have neither the time available, nor research resources at this time to provide an informed comment on this important set of recommendations. And - we are trying to communicate to you from the Olympics using a cell phone. Given these constraints, please accept these comments as over-arching views on the state's responsibility to provide equal access to education for all children.</p> <p>1). We believe that the legislative mandate limiting expenditures to 13.5% is not only a violation of federal law, but a convenient and arbitrary barrier to limit fiscal responsibility. I read an article where you expressed an opinion that there is "over-identification" of students in need of special access to education. You pointed to some of those identified as simply needing better access to learning English. Perhaps, better diagnosis and identification of student needs would be worth an investment in those types of tools. Our grandson had the benefit of testing at University of Washington - and the results were presented to the Seattle School system for an assessment in developing a plan. Their efforts felt more like fitting our grandson into their "cookie-cutter" process, rather than finding a way to maximize learning pathways and social skill development.</p> <p>2). Out of the Recommendations we could locate, we wholeheartedly support the notion of partial awards for applications of additional funding when an application may be incomplete or in error.</p>

Stakeholder Role	Comment
	<p>This would provide an incentive and learning opportunity for a district to obtain the remaining funding by correcting and submitting a suitable application.</p> <p>3). Lastly, we would like to inquire on how we can be included in any distribution by OSPI of notices, efforts, reports, procedure changes, or directives on this important matter?</p>

Appendix F: Special Education Safety Net Legislative Survey Results

A survey was available in December 2017 electronically to solicit input from LEAs on the topics being considered by the Safety Net Legislative Workgroup. The questions and responses received are included below.

Question 1: What fiscal components in addition to or in place of the fiscal components of community impact and high need students should be considered by the safety net committee when making safety net awards?

Responses:

- The high needs student application process seems appropriate for our district.
- Actual costs for running the entire special education program. If high needs continues to be method, accounting for assistive technology purchases If high needs continues to be method, clarify substantive errors vs. clerical errors
- Impact of student on the district. As a small rural district the fiscal impact of one student with a significant impairment can decimate programming.
- Programming costs that are not directly tied to an individual student (i.e. staffed at a 2:1 ratio) 2) Indirect costs related to ensuring access or related to program design that are not able to be reimbursed or not reimbursed at a full rate (i.e., administrative, BCBA support, transportation) 3) Costs that can not be reimbursed due to the difference between the per-pupil rate and the safety net threshold
- Special Transportation Costs, administrative costs related to extraordinary circumstances.
- Don't change
- Keep what is just don't keep raising the threshold.
- No response
- Often there are situations in which districts spend a lot of money on special education students that will not meet threshold, but are inordinately expensive because of the amount of staff required.
- If there was a way to quantify the expense of programs for high needs students: equipment such as hoist lifts, standers, changing tables, etc. having to have a full time nurse, and the multiple paras needed in general (used by multiple students)
- demographics of the area (i.e., tribes, military, etc.)
- Safety net should not be associated with whether a district participates in medic aid reimbursement.

- I can only say what not to do: Don't incentivize districts to place students in restrictive environments, placing 1:1s on the IEP, or increasing the number of students who are sped eligible.
- In our case, we also expend funding for specialized equipment and assistive technology for students in order to access their environment.
- The costs that the district is legally responsible for assuming based on IDEA and student needs.
- Districts need to be reimbursed for what is spent over the amount that the state and federal government provides Districts to educate our special needs students.
- I can't think of any
- The state should consider the actual cost to districts beyond the basic ed allocation plus the state and federal special education per pupil allocation.
- In-District Transportation. Throughout the school year, our numbers grow and more special education routes and busses have needed to be added, but we are unable to be reimbursed for the cost. Maybe it's not a safety net issue, however, sped transportation costs added after the specific date, I think in October, don't get reimbursed and it is very expensive. How about the cost of the dollars between the basic ed, state and fed sped funding and the threshold that districts do not get to recover. Why not? That should be included in the safety net award
- I cannot think of additional areas, but I do feel the threshold for a "high cost" individual is too high given that the funding for individuals is a flat rate regardless of disability. I have not experienced directly, but do recognize that some services as part of an IEP recommendation such as ASL classes for parents or required travel by parents to visit youngsters in out of state placements are not allowable since they are related services, for family but have a direct impact on the student's growth and progress. I think costs associated with these types of services should be allowed. I have a concern that the approval of the entire award is conditional on a "perfect" IEP, and there is no way to prorate for errors such as a missing PLP sentence to align with a goal, or poorly written goal, when the rest is in good shape. Teacher and ESA caseloads when reviewed purely by numbers (head count or number of students) vary widely depending on the actual needs of individuals on the caseload. Some students need far more or far less services than others. Some students can be served in inclusive settings, but only find success with a lot of extra staff supports that are flexible and thus hard to quantify on a services matrix. A teacher may have 23 students on the caseload, but spend 20% of their actual week supporting a particular student due to intense needs that are not predicted, and as things improve or degrade and amount of support changes, keeping track through documents is problematic for teams... there is no way to submit for the extra time spent

in meetings, writing and rewriting drafts and revisions, problem solving, and the like. Much of the activity in staff time goes unaccounted for.

- Actual costs vs base salary. Threshold needs to be revisited. Is should not be based on actual costs if student programs are not. The community impact report could take on additional factors if threshold was set at costs over allocations
- I would want the committee to revisit the benefit rate in the calculation for staff costs.
- Overall impact of high cost students compared to size of district/amount of overall high funding. I have a smaller district but several high cost students (ranging from \$40k to \$300k per year).
- The costs of actually filing. The time spent on worksheets, reviews, data pulls, copying, etc. is excessive negates a significant chunk of any award granted.
- Remove 12.7/13.5 threshold before district is eligible for community impact funds. Consider full cost of employee salaries and benefits on Worksheet A and Worksheet C.
- In school ABA THERAPY
- Establishing a lower threshold to allow districts to fully fund the services for students. It would allow districts to close the gap between what we are allocated and actual cost of services.
- a need to increase the multiplier which reduce the administrative burden on districts to process safety net. Safety net is a band-aid to the insufficient funding of special education in Washington State. in 2015-2016 65% of the school districts had a shortage of funding to support students with disabilities to a total of \$275,413, 794. Safety Net only helps districts to a fraction of this expense, primarily picked up by local levy support.
- remove the requirement that "1:1 para" must be stated in the IEP
- Costs for preschool students, costs for team meetings with all players, and costs for setting up environments for small groups of students
- The cost of preschool students (even part time), the cost of staff in meetings and planning times for students, the cost of high cost equipment even if not above a threshold
- a straightforward, fiscal formula that makes sense, rather than one that the variables or values being measured can't be determined.
- Safety Net awards should consider the district expense of sending a student to an alternative setting if the district doesn't have a suitable program in place to meet the student's educational needs. Safety Net awards also don't take into consideration the additional costs for providing the student technology (iPad, Chromebook, AAC), consumable supplies- velcro, laminating pouches, glue sticks, etc., sensory items, reinforcement items- permanent and consumable

- I think districts should be able to access Safety Net dollars even if they are not at the state maximum percentage of special education students in their district. We have some very costly students in our district, and also have a blended Title/Special Education service delivery model that serves students prior to special education placement. We are not eligible on Worksheet A, when we have submitted previously.
- Removing the "meeting capacity" requirements. It punishes the districts who run balanced budgets and doesn't allow for districts to receive additional financial assistance for the kids that need it.
- The committee should consider the overall number of students with autism and multiple handicaps. These students as a whole require increased staffing, not only to manage behaviors, but also to provide the increased prompting these students frequently require in order to make educational progress.
- I believe this will depend on the reconciliation of 2242 and its impact on levy caps. Right now, our District is likely to have significantly less funding than previous years, and if that isn't resolved, it should probably be factored in with regard to safety net.
- The size of the district and the fiscal impact that just 1 high needs student can have on the district, even if the costs barely exceed the threshold.
- Have not applied for community impact portion of safety net in the past.
- Given regionalization of salaries, even a larger gap will emerge between remote and urban district costs. Seems that a salary adjustment to account for variation (including BasicEd funding allocations) will need to be considered in the fiscal calculations.
- The current high-need individual threshold is sometimes too high for rural districts. For example, if a student has 1:1 staff, and they still don't meet the threshold, the cost is still a heavy burden for the district and impacts other programs.
- Community impact should be altered. The current cost calculation requires a district to count only those students above the maximum threshold for which we can get funding, which essentially rewards districts for over-identifying students for special education. There should be a way to qualify based on increased average per-student costs as well.
- When a student requires contracted services, the district is responsible for the cost of the contract, yet safety net only allows the district to recoup costs for the days that the student is in attendance.
- None
- unknown
- unknown
- Training time for the adults working with the specific students. High pay for these adults as it is a very stressful job. Pay to meet with teachers/OT/PT/SLP/Vision

specialist/audiologist and or behavior specialist to be trained, check data for fidelity and work as a team to meet the needs of the child in the school setting.

- Systemic Costs such as building modifications, equipment, assistive technology, and professional development.
- n/a
- Lower the threshold.
- The overall funding level of the district . . . whether the district is (or is not) getting a lot of additional funding through local levies or high regionalization factors.
- Equipment/AT purchases for programs and/or students who may not meet the defined threshold. 2. Additional cases in which programs/groups of students require adult support, for example in cases where several students need additional support, but no one student requires 1:1 adult support.
- This seems adequate at this time
- Purchases specific to a student should be included in the high cost calculations along with any remodeling needed to accommodate the student.
- Specialized materials and talent for students who have low incident, high cost disabilities, such as Blindness (e.g. Yearly classroom curricular materials, updated software, technologically up-to-date hardware, and training/certification costs for Braille Technicians)
- Impact of the levy limit imposed by 2242 will provide less money to make up the difference between the allocation and the threshold. As the \$30k threshold increases we are required to come up with more dollars to cover expenses. A student who costs the district \$50k, if approved for safety net, the district will only recover \$24k losing over half of the actual cost. Additionally, the process we go through to "apply" for funding is extremely disruptive and becomes a bureaucratic game. Special education is difficult enough without making it more difficult with this application process.

Question 2: How does your district define a high need student?

Responses:

- As those students that require additional 1:1 EA time to address their IEP. These positions add significant cost above and beyond state and federal funds, and rely on local levy funding that is being reduced. In addition, any out of district placement students.
- Review of required services including need for daily support by paraeducator or nurse, scope of support/services by other service providers, placement and scope of need for restricted environment including possible need for contracted, out of district placement.

- Any student who's needs cannot be met using the resources allocated to buildings in the normal course of our full continuum of special services placements. That is, students who require more para support than can be provided by even a well-staffed classroom, or who require more specialized settings than even a self-contained classroom.
- based on impact to the district as a whole as well as exceeding the statewide average per pupil. Education for general education students is sometimes required (such as deaf education and minimal sign language) to assist in a comprehensive education.
- Students who have programming needs cost significantly more than the basic allotment including special education funding. For example students with significant developmental delays that require high staffing ratios both for instruction and safety.
- A high need student is a student with costly supports identified in the student's IEP.
- A student who requires more than the average student; 1:1 para alone is usually not enough, but combined with other services that the student must have in order to have any success in school.
- Student whose cost over threshold. This is always students with a 1:1 or are placed in an out of district placement.
- A student with multiple services that exceeds the general.
- No response
- A student whose fiscal impact exceeds the threshold. These tend to be students with 1:1 Instructional Assistants or out of district students.
- One that costs us more than the threshold. Usually, has a 1:1 or nurse or both, one that goes to a Non Public school, or private placement by district
- a student requiring services above those in the same program. nurses, multiple specialists one to one para
- The student's IEP reflects 61-100% of Specially Designed Instruction
 - IEP has two (2) or more goal areas.
 - IEP reflects that the student requires the highest level of instructional support AND is non-verbal or has very limited communication.
 - Identifiers may include one or more of the following documented in their IEP or 3 year re-evaluation:
 - Has limited communication skills
 - Uses augmentative communication systems
 - Requires some toileting, feeding or personal care
 - focuses on daily living skills
 - indicates supported employment opportunities OR
 - The student has very high mental health needs requiring day treatment or constant supervision.

- The student must have a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP). "
- Students who require intensive small group/1:1 services all day
- We utilize the funding limit (this year it is approximately \$30,000). We project which students will potentially meet this threshold based upon staff salary working with the student.
- Any student who requires extra support in order to transition, maintain appropriate behavior, and/or access their education. In addition, any student who needs support for medical care or feeding or personal care.
- High needs are students in which we spend dollars out of the general fund to educate. In other words we spend more than the state and federal allocations.
- Not sure what this is asking? High need is defined for us as those costing more than defined threshold. Personally, I would say that a high need student is one who requires more than 40% of their day to be significantly modified in order to benefit from instruction.
- A student who requires more than 50% of their day in a special education setting and 1:1 to 1:3 ratio of adult to student in order to access learning.
- Requires a one to one paraeducator or full-time nurse; physically disabled/requires toileting assistance; may require a number of related services, assistive tech/augmentative communication; multiply disabled/severe ID and or medically fragile/requires ASL interpreter; specialty placement; specialty transportation, etc.
- We view students in self contained programs, students with 1:1 staff assigned (nurse, Para or teacher), and students who are placed out of district into specialty placements (interlocal deaf, blind, behavior or NPA). Students who require a high level of direct staff contact daily for their SDI and related services, with intense physical, medical, academic, mental health and behavioral needs, students with safety concerns may also be considered high needs.
- high cost
- Students who have needs that exceed what a "typical" program can support (I.e., medical needs, behavioral/safety needs, specialized day and residential treatment programs, etc.)
- 1:1 para, 1:1 nurse, Placement outside of the district on contract
- Any student that costs more than the per-pupil state and federal revenues dedicated to special education students. If the expenditures are listed in the IEP, then it's required under state and federal law, and should not rely on local funds.
- currently students with 1:1 paras or nurses and out of district placements-based on the current threshold

- Based on the current threshold we identify students with 1:1 paras, 1:1 nurses, and out of district placements. MANY more students cost more than the funding we receive but do not meet the threshold.
- We don't have a specific definition. We look at the appropriate program for students and then build it. This may include additional people, space, equipment, etc. High needs includes adult time including time with parents and time staff meets to work through the appropriate program.
- We look at the needs of all students and then set up an appropriate program.
- a student who requires additional staff for safety, care or health; one who requires additional materials (i.e. augmentative communication devices), one who requires out of district placement due to significant needs.
- The same way.
- Having more than one paraprofessional per student.
- no standard definition
- In my experience, a high need student is typically a student who requires additional staffing in order to maintain the student's safety or the safety of others or for students who are extremely medically fragile.
- We currently work within the same definition as the state.
- When the costs to serve a student exceed the state threshold. However, we have to spend approximately \$16K above and beyond basic allocations to even attempt to recuperate funds on students. I receive only approximately 30% of what students actually cost my district. With the removal of levy funds from our district how are we supposed to make up the additionally \$160k without the funding to do so. On top of that, due to a minor error (Very Minor) I lost \$15k in funding. That cost me roughly 20% of my safety net award. Therefore I only received 23% of the money I actually spent above and beyond the basic allocation.
- Those students on IEPs with extenuating, special circumstances contributing to excess costs to meet SpEd / IDEA service needs.
- Unsure, but possibly a student that spends at least 2/3 of their time in a sped setting, and has little to no comparable peers in district, which means highly individualized programming.
- Students with 1:1 paras, nurses, or in out-of-dist placements.
- A student who exceeds the threshold for safety net.
- Eligibility through the Special Education evaluation determines areas of need.
- Student needs are determined by the special education evaluation process.
- A High needs student is a student who requires more individual attention due to physical needs, emotional/behavioral needs, mobility needs, feeding needs, more than

the average needs in the classroom. A high needs student significantly reduces the amount of instruction the remaining students are able to get without additional supports.

- A student who would require funds above the safety net threshold.
- Students who need access to the following: -One-on-one para educator -receiving multiple services (OT/PT/SLP/Vision/etc.) -Have behaviors that can include aggression towards self, staff, peers -Require assistance with toileting -Require assistance with feeding -Students who are medically fragile
- Students who have multiple layers of specialized people and materials in addition to basic special education. For instance, TVI students, in addition to special education folks, also have braille para-educators, TVI, materials and supplies.
- Students that require substantial support when compared to other IEP students (1:1 aid support, full time nursing support, etc.)
- One who requires an extraordinary level of service or support
- Currently any student who surpasses the safety net threshold.
- We currently define high needs by any student who has a 1:1 para educator, 1:1 nurse, or who attends a non-public school and whose costs exceed the determined threshold.
- A student with a full time paraeducator
- 1 on 1 para, nursing services, & personal services contracts
- The same
- A student who costs more than the threshold. The worksheet leaves out substantial costs in the area of transportation. Based on your question it seems as though you set the threshold at the statewide average of expenditures. Therefore you are acknowledging that the average expenditure per pupil in special education is \$30k? Why then do you only provide \$14k per student with a combined basic and special ed allocation. The math does not make sense and the lack of transparency makes it seem like an inequitable process.

Question 3: If you were to establish a threshold for high need student applications, what would it be?

Responses:

- The current threshold does not come close to actual expenses for a student that requires a 1:1 for their IEP needs. By definition the concept of high needs should be redefined if we do not fund reimbursement for this added staffing. At a minimum I believe the threshold should be reduced by 50% to allow for at least some reimbursement.

- About \$20,000. Our department budget is around \$10,000 per student, with another \$7,000 in gen ed funds going to the district. The gap between those combined numbers and the current \$30,000 threshold means we have many students with costs that exceed our resources who we cannot request reimbursement for.
- Unsure
- Significantly lower and equitable for districts of different sizes. Rather than one fixed rate perhaps it is based on a certain percentage beyond the district's basic per student allotment?
- I would recommend that the threshold be the SpEd and Basic Ed funding that an LEA receives for a student. Anything beyond that amount is increased cost to the district.
- Perhaps base it partially on how much time a student requires outside of regular instruction for services and also those who need extraordinary measures. I am not familiar with how the threshold is established, but a student that costs more than your average special education student should be considered.
- It depends on what is given by the legislator.
- For any student that is \$5000 or more over the gen ed/ sped funding combined.
- No response
- \$20,000
- \$15,000
- it appears the threshold goes higher every year. this eliminates many students who are costing the district in excess of an average special ed student
- If there were a system to equate level of need of all our students based on IEP documentation I would look at the percentage of students that the highest level to determine threshold. I think if you have a rubric describing highest need you could probably poll districts to determine how many of these students there are out there to determine averages.
- Students who drive at least one full time classified staff member.
- My struggle with a flat number is that a brand new para makes significantly less than an established para doing the same job. Additionally, my contract related service staff generally make more than my on-staff employees. This is frustrating having the same services being provided, but one students qualifies for funding, and another one does not. I am not sure about threshold, but I think it would be nice to have a combination of time and salary as part of the determining factor.
- There should not be a threshold. ANY district who is required to provide these services for any student should be fully reimbursed.
- Any dollars that we spend over what the state and federal government provides.

- I can tell you that 28 - 30% of our costs are funded through local levy dollars, and that is typical for most districts in the Puget Sound area. I would establish a threshold and system that allows us to capture those costs - albeit, I recognize that would significantly increase the amount the legislature would have to allocate.
- The basic ed allocation plus the federal and state special education allocations.
- I don't know; much less than it is now
- Costs exceeding \$15,000 per year. (low end of a dedicated paraeducator)
- anything beyond allocation since districts are not allowed to use local funds any longer.
- 1.5 times basic education per pupil funding
- District SPED-dedicated revenues divided by enrollment.
- any amount over the combined basic ed funding and sped funding per student, truly reflecting costs beyond funding provided
- The threshold would be anything over the combined basic ed and special ed allocation. Safety net is a band-aid to the multiplier not being sufficient to address the needs of students with disabilities in most districts.
- There should be levels, if any student has a full time one to one, or expensive equipment, or the need for a large team to meet abnormally often to make the program successful.
- It would vary by need. If a student has a one to one or expensive equipment, this should be enough to qualify.
 - district is at or above state funded amount and cost of providing FAPE is more than Basic ed + special ed allocation cost/student. 2. District that is not at/above state funded allocation but cost of providing is BEA allocation + sped allocation + 10% of the total of BEA and sped allocation. In either case, the student must be enrolled in the district, must have a current evaluation and current IEP.
- I would look at the overall cost per student within district regarding special education students, and then see what the difference is compared with the district average.
- If the costs exceed the state amount for a student in special education.
- A student individual cost of at least \$20,000 without the restriction of indirect and meeting capacity.
- I think any student who requires individualized equipment or staffing beyond that provided to other special education students should qualify as a high need student. I also feel students with autism and multiple handicap should qualify as a high needs student. I do not feel you can put a limit on the number of applications - if a student qualifies, the school should be reimbursed for the increased expenses.
- I believe the current threshold is appropriate. One addition I would like considered is medically fragile students who do not qualify for special education. Our District is

impacted by two particular students, one needing a full-time RN for her diabetes, and another who has a degenerative spinal condition, and needs a one-to-one para, but both are able to be served on a 504.

- Follow Oregon's system of safety net funding with an automatic allocation without the application component. 120 districts of our 290 apply for safety net. That speaks volumes as to the arduous process of applying for the money. I can't begin to count the number of hours we spend producing the application that only nets a small portion of what we actually spend on serving students. The threshold has increased every year and now barely covers a 1 on 1 para-educator or additional speech, OT/PT, nursing or any assertive technology. On top of this, contained in IDEA are 504's. Currently there is no funding provided for high needs 504 students. Add interpreters and nursing services for students who do not qualify for SDI costs do skyrocket with little or no help for funding. What is being done across the nation to fund 504 students? Are we the only state that provides no funding for 504 students?
- In excess of \$10K based on Calculation establishing difference between actual cost - (Basic Ed Funding + SpEd Funding) - (equalization factor for salary regionalization).
- I would take into account the district size when determining threshold, or lower the threshold if it continues to be statewide regardless of districts.
- I would leave the threshold where it is.
- Unsure
- Monetary threshold? There should not be one.
- There should not be a threshold.
- Depending on the student: - student who is unable to engage in direct instruction with emotional/behavioral needs, impacting the learning of others vs. a student's physical ability to be engaged in direct instruction without additional resources and even separate curriculum modifications. As an IEP is individualized, so should the need for additional supports.
- Any cost beyond that which the state reimburses for general special education services.
- All of the above, as the cost for employing para-educators rises, as well as the high cost of other services, the draw on basic-ed. funding also increases, especially in light of recent court cases and demands to ensure our high need student population makes adequate yearly progress on high stakes testing. I would set the threshold to \$20,000.
- I feel that most districts should be able to apply based on the extra expenses of the high needs children. If we have to pull extra funds out of basic education to cover some of these excess costs, the threshold should be at that level.
- \$27,000
- No more than 3 times the special ed allocation.

- Any purchase or cost that is above what the state funds.
- \$20,000
- A student with a para 50% or more of the school day
- Any student that needs self-contained services along with SLP, OT, PT, TVI, O & M, teacher of the deaf, etc.
- The same
- \$14k - anything above where the state allocation drops off.

Question 4: How can the safety net application process be improved?

Responses:

- The reimbursement concept does not account for small districts to budget for high needs costs. Particularly for move-in students during the year. If there was a means for funds to "follow students" during such situations, this would allow small districts to adapt to high cost students.
- Documentation of expenditures
- It should be fully electronic, there's no reason anyone should be boxing up piles of papers in the year 2018.
- The primary change that needs to happen is to the purpose of safety net IEP reviews. I agree that IEPs are an important representation of instructional plans, and that some justification behind extreme expenses will remain necessary. However, the key part of an IEP we review should be the thought that goes into it, and whether the expensive services recommended are appropriately planned. For example, if a student has para-educator, what exactly is that person's role? Does the student data indicate that they are really necessary? Are appropriately ambitious plans in place to move towards increasing independence in the future? Is the student making demonstrably more progress with the para than without? These are the questions we should be asking. The purpose of the safety net process should be to encourage thoughtful planning for high-needs students, and to verify needs are legitimate, not check for typos. If pure compliance checks remain a part of the process, I would at least recommend that districts be allowed to correct mistakes that are found without missing out on funding. It is ludicrous for a \$30,000 expense to be denied funding due to a single typo.
- Simplify-we are afraid to even begin the process after the stories we have heard and the snowball effect that is incurred.
- The system seems to function like an insurance system with the threshold being the deductible. If that type of system is to continue full transparency on why some applications are not fully reimbursed (i.e. cost adjustments) would be greatly appreciated. It would help us know how to improve our documentation. Additionally,

there are many expensive students that do not meet the threshold either because the costs are not directly on their IEP (i.e. high number of staff for the program) or they simply aren't expensive enough to meet the threshold. I would suggest de-coupling the system from the IEP. Perhaps the system could be split into two parts: The first being a granting system similar to LAP funding where the monies would be granted with an auditing system done on the back end to ensure compliance to the parameter. Maintain an improved version of the current safety net process for extremely expensive students. However, call it what it is: an insurance program.

- Consultation should be included in allowable costs as long as they are documented in the student's IEP.
- For me, examples of what was adjusted would be helpful when I am trying to determine why the claim wasn't paid in full. It would be a learning experience, and up until now the feedback on what was adjusted has not been definitive enough in such a way that would keep me from making the same mistake twice.
- It cost so districts so many resources to actually submit for reimbursement. There cannot be a single error or the district has a significant amount of work to do in fixing it. We spend more time on safety net that we do on increasing instructional capacity because we must do this financially to continue our work.
- Separate the costs from IEP compliance. Costs are still associated when the student is absent but unclaimable.
- Electronic submissions, still funding even if minor errors.
- Remove the close reading of the IEP. Include some other type of compliance check.
 - Have true consistency between reviewers that remain stable year to year. Some type of qualify control has to be implemented. For instance, last year we were dinged for not turning in an FBA with the IEP. I have been overseeing Safety Net for large district for many years, and I never heard of this before - it is not part of an IEP, it's part of the assessment.
 - 2. Reimburse us for the expenses as long as they are appropriately quantified (and of course paid out). You can still require 442 corrections.
 - 3. if an IEP is due in May, and the student requires ESY, we have to hold the meeting at least by mid February in order to be reimbursed for the ESY expense. This creates a hardship to district administration when we have so many meetings that require tight oversight all in Jan. and Feb. If we could submit the IEP that quantifies the ESY as soon as it is developed, even after the due date - just for accountability's sake, that would be better. The amount of administrative oversight required for safety net submission takes away from genuine work we could be doing to improve outcomes for students.

- there is a lot of time and man power that goes into all of the worksheets, redacting and copying/uploading documents. a quicker process would include less front end paperwork; forms A and C
- Always a need for it to be stream lined. It should not be based on how the IEP is written beyond the basics because these are documents for parents and should be written for parents so when they become extremely verbose and complicated we are undermining our stakeholders.
- Do away with the IEP review component. There are other compliance mechanisms in place.
- Not sure if it is possible to have it be an April deadline for ESY determinations. Not sure if Safety Net should be all about compliance for funding. There is obviously an established need and the parent/team have agreed upon the plan to implement for the student. Additionally, each year, there seems to be themes, so the expectations change a little each year on what is a compliant IEP.
- IF a district finds that a student has excessive needs, then they should notify their ESD and OSPI immediately. OSPI and the ESD Director should work with the district staff to develop a "Safety Net" IEP for that student and submit it immediately through Igrants for reimbursement of total costs at the end of the school year. If there are changes to the IEP, then those need to be submitted as needed.
- Safety Net should not be tied to "properly formulated IEPs". Districts have spent the money, if there are problems with the IEP that needs to be a separate issue. Districts need to document the money that is spent for a specific student and the state needs to reimburse the District.
- Allocate funding WAY earlier - it is a total paperwork game to go back and JV costs to the previous years budget when we are totally in the next year of funding.
- A lowering of the threshold would be helpful. Consistent expectations from year to year is also helpful. This has really improved the past few years.
- We need a better understanding of how the committee determines which IEP's to fund and which not to fund or why some are partially funded. Frankly, it's subjective.
- There is a LOT of copying and redacting of various fiscal documents, student specific information etc. The Worksheet C is especially cumbersome when documenting internal staff pay rates and caseloads. We have gone away from applying for safety net reimbursement for students served in house, unless there is an extremely high cost service (ie 1:1 nurse) This is particularly true when a

student has more than one IEP or IEP revision in place during the school year. We also have declined to submit some students due to frequent IEP meetings and revisions during the school year, and the increased likelihood that there will be a small error in at least one of the documents to nullify the award.

- remove the compliance process from it and direct compliance only to WISM process
- Don't hold back money due to errors on the IEP. Errors don't change the programming or cost. Instead allow us to fix the errors while still funding the need
- Legislatively remove it. The \$ can be reallocated to increase the SPED student reimbursement FTE. It is insane.
- Include full cost of serving students, including TRI and benefits. Also include costs paid during student absences when it is unrealistic or not possible to reduce cost (because teachers are on contract for the full year and contracted vendors charge by student, not by attendance).
 - When there are findings in the documentation or IEPs, require districts to correct the issues, but do not penalize them fiscally for it. Errors in an IEP do not negate the amount of services provided and the funds that a district has already spent providing them.
- 2. Allow submission of additional documents as part of the request for reconsideration when appropriate.
- Safety net should not be for compliance but rather for reimbursement, only until the multiplier is increased to reflect the true needs of districts. Historical data demonstrates needs of districts to serve students with disabilities. The massive burden on districts to process safety net should be drastically reduced, streamlining and simplifying the process. Districts dedicate personnel to the safety net processing which would be better spent in staffing to improve student outcomes for students with disabilities. We would much prefer increased learning, improved graduation rates, improved engagement rates post graduation, and reduced suspensions and expulsions versus chasing paper. We are literally spending thousands and thousands of dollar to track down reimbursement for some of our expenses. Districts could use a self-evaluation to submit with IEPs and districts could be audited after the fact if the need is there.
- remove the requirement that "1:1 para" must be stated in the IEP, currently this requires districts to name "1:1 paras" and it is extremely hard to remove or reduce. We would be better off adding program paras as needed to support students and fade the support, building their independence. Safety net locks in districts to 1:1 paras often for the entire educational career of students, nobody wants to remove/reduce a para expect sped admin and finance even when research demonstrates the negative effects of 1:1 paras, specifically the isolation of students from their peers and the overreliance on adults.

Parents feel a sense of ownership as well do teachers when it is a 1:1 para. Program paras can support student without naming in an IEP.

- Don't take away all the money because of a small IEP error. If you need to follow up with questions, please do but it is a substantial loss for districts who are working extremely hard for kids.
- Do not remove the funding because of a small IEP error. Talk with districts and get the rest of the story and make sure the error is corrected. Usually the program is appropriate for students, the small error does not mean the student is not getting the program they deserve. If there is an error on OSPI's side, the funding should be available even later when the error is found. Currently the response is, sorry, we are out of money.
- Simplify the process. Simplify the fiscal worksheets/formulas. This may be alleviated, but a district can't include employee cost that is not "base" i.e. optional days/added days are not included in cost formulas but are costs associated with providing FAPE to students.
- I do not believe that Safety Net accurately funds student needs across the state. There are many regions and districts that are funded consistently, when others either do not request, or are not funded.
- We do not apply for safety net due to the requirements, as well as the punitive aspect of putting the district into a potential audit if the IEPs are deemed unsatisfactory.
- The amount of time and effort involved from directors and business managers is unrealistic for smaller districts. The requirement to meet capacity again doesn't allow for carry over of funds. Again the process restrictions and parameters don't meet the district needs.
- Staff should receive training on writing safety net compliant IEP's, so they do not waste so much time writing and re-writing IEP's in order to ensure they will qualify for safety net funding.
- Possibly run through the full year... for example we have a student who will likely end up in a very expensive out of District placement in late March, and we won't be able to claim him for this year.
- Follow Oregon's system of allocating these funds - no application process. If we can't remove the application process, simplify the process. I know the current system is only reaching 120 districts and not working to support districts. There has to be a better way.
- less paperwork, continue to develop on-line/electronic submission process, only use substantive errors on IEPs to determine 'non-fundable' submissions, and establish a correction timeline with short window whereby districts can re-submit evidence of complete IEPs to retain funding when there are simple errors (like a double sided page that was missed in the copy process).

- I have heard smaller districts comment that they do not have the staff available to complete a safety net application when their administrative resources are spread thin. I am unsure what the "fix" would be for that, but I do see the concern.
- Eliminate paper filing, this should be all-electronic. Also eliminate need for redactions (what is the point? if we provide SSID and DOB, anyone could look up the names anyway). It would also be nice if the standard for safety net was more closely aligned to the standards used in WISM reviews. It is frustrating that there seems to be a separate safety net standard.
 - Increase the length of time allowed to "appeal" the committee's decisions. (2) Don't send the committee's decisions when there are no staff to respond to them. (3) "Properly formulated" IEPs - there have been instances when one reviewer has identified an IEP as having fatal flaws when a different reviewer has said that the same issues were compliant. (4) If possible, change the way districts can be receive their funding rather than being dependent upon perfect IEPs.
- Safety Net is awarded after the school year is over. Therefore, we often cannot challenge a Safety Net award for a particular student because staff who work with student are not available.
- Safety Net awards are sent after the school year is over or nearly over making it unreasonable to be able to challenge Safety Net award determinations,
- I am not part of this process. I do not know.
- Eliminate the response cost system i.e.: not reimbursing if there are mistakes on the IEP. You can require that districts fix the IEPs but it should not determine whether they receive funding. Electronic submissions would also be helpful.
- Provide detailed training for how districts can begin the process, including tips for success. Special education directors of surrounding districts frequently call me asking how to get started and what they need to do. Many districts (especially smaller ones) are hesitant to apply because of fears they will do their district more harm than good because of audits. The district I work in applies every year, and we feel any audits make us better. However, the process should be more user friendly because their motive for applying is to ensure funding in order to offer students with high needs the most appropriate program so they can ensure quality programming and adequate progress.
- Make it less punitive regarding IEP compliance. At this point, if one item is deemed incorrect, you get the IEP tossed and receive nothing. I also question how consistent the people are who review the applications from OSPI.
- Consistency (year to year) with what and what does not pass through the IEP review.
- We need the money sooner. Also it would be fantastic to decouple safety net and compliance review. Beyond the basic assurance that it's a decent IEP that warrants the

services it describes, districts should not be penalized for tiny things like a missing date or a poorly written goal.

- Districts should receive funding based on costs submitted, not on compliance. Compliance checks should be left to the compliance monitoring process.
- eliminate the need to have a completely compliant IEP in order to be funded AND have ongoing training sessions for the Safety Net Committee to calibrate their scoring so that it is even handed and each district receives the same kind of feedback. Be more transparent in what reviewers deem compliant.
- In the case of high cost application -- separate the costs associated with the student from the 'properly formulated IEP.' Let districts provide documentation of costs, then if the student is funded, have a review of the IEP.
- All the fiscal paper work and multiple paper copies seems like over kill. Also subtracting the exception report dollars from the district claim feels like being penalized twice.
- Move it to the summer out of the school year timeline, which allows for ESY inclusion and a completed IEP process. Also, uploading the application digitally would be very helpful on every side.
- If the IEP submitted to the safety net committee has what the committee considers that the IEP Team has made 'errors' in the proper formulation of said document, the district should be allowed to correct the errors and resubmit the IEP, in order to recoup the extra amount that the district has been spent to educate the student. Reimbursing extraordinary costs should not hinge on a clerical or 'formulation' error. If the district has created a program that serves a student's needs, created the IEP with a team that was in agreement, and has documentation of the extra costs, it should be funded.
- The current process makes it so difficult to apply that many districts around the state do not apply. However, since the formulas are based on salary allocation and 2242 added regionalization the safety net monies will be sucked up by the Seattle and Bellevue type districts of the state the 19-20 school year. What's the point if this doesn't change.

Question 5: If the excess cost multiplier were increased, what percent would you recommend and what is the basis of your recommendation?

Responses:

- Not sure. For small districts this increase is less important than high needs costs of individual students, such as what safety net is attempting to address.
- It's difficult to identify a number that would work for all districts. Generally though, one approach may be to calculate the level of staffing required for the average student in special education, compared to those in general education. That is, if the overall teacher:student ratio in WA is 20:1, we can approximate that special education classes

tend to be more like 10:1, or even 5:1 when factoring in the higher level of support staff needed (psychologist, SLP, OT, PT, para). With staffing levels roughly triple those used to calculate the BEA for general education, an excess cost multiplier of closer to 2.0 would be necessary to meet the need. I realize that sounds extreme, but the amount of funding shortfall that most special education departments see every year is equally extreme.

- 20 percent. in smaller districts it makes a big difference. The cost of special education service is often more in smaller rural district in which it is difficult to get the staff needed
- I don't know the answer, but I can tell you that the district has to use levy \$\$ to support our Special Ed services. What comes from the state is a few million short. It is like the assumption is all Special Ed students are Resource Room only.
- 1.4 because we can't depend on our local level \$ to do this. 1.4 is a number our district has carefully calculated as a minimum for what we would need to adequately serve students.
- ?
- 180%--special education is very expensive!
- no suggestion
- I am not sure.
- No opinion.
- I am not able to really provide good recommendations here. Anything that will benefit the district to funnel more basic ed dollars into the general fund and less towards special education would be beneficial.
- This would depend on each district and the number and types of disabilities that each district is serving.
- Districts need to be reimbursed for 100% of the money they spend over what they are paid to educate a special needs student. I don't know about cost multipliers except that the state is not contributing an adequate amount for many special needs students.
- I am not a math whiz :) but I would again say that I recommend we be funded for the actual costs so that we did not have to use local levy funds. Our costs are only covered up to about 70%, so I would propose a multiplier that would cover all the costs (not sure how to figure that out without some serious deep thinking). I can say that 93.09 is not at all adequate, and I seriously doubt 1.02 (which I think has been floated as an idea) would make up the rest.
- I don't know
- Using the 12.7 previous cap, the excess cost multiplier should increase to at least 1.35 to account for the local levy share currently carried by our district. If the excess cost multiplier for special education were increased to this level ample staffing might be

more available and could possibly reduce the need for dedicated 1:1 personnel, and improve actual systems of intervention and support. Our staff caseloads are high, and special education funding is insufficient to pay the salaries of all our special education teachers, ESAs and paraeducators from program 21 and 24. Local levy dollars are required to supplement each year. With increased special education program 21 funds, we would add FTE teachers, FTE Psych, SLP and OT services, and add staff such as BCBA and float interventionists to support students on short term basis. We have been unable to increase numbers of teaching staff to keep up with increased enrollment, and this has led to reliance on paraeducators on short term or one year assignments, or staff taking on extra duties through extra hours assignments or using subs to release staff to work with colleagues. Increased funds would be available to support appropriate curriculum choices for special needs students, and provide ongoing professional development for special educators and general education staff to better understand how to differentiate instruction, and provide appropriate accommodations within the classroom.

- National average... or at least not below 1.2
- 1.5 basic ed funding...that allows for state funding to cover the majority and federal funding to cover a little more and then SN to make up the difference it costs districts locally
- Figure the statewide "overage" of SPED-dedicated program 21 revenues less expenditures, and then divide that by SPED enrollment (3-21). (Or you could do it by district.) This gives you an "underwater" percentage; add that to existing .93 multiplier. I suspect it will be in the 1.25-1.35 range. Not sure how to differentiate multiplier for ages 3-PreK and 5-21, though, as 3-PreK multiplier should be higher than 5-21.
- increase multiplier from .93 to 1.08, reducing district reliance on local levy funds while focusing on closing the gaps for students with disabilities
- Honesty, as much as possible. Special ed is extremely underfunded and the needs are getting more significant each year.
- Not sure
- Parameters of safety net that are in place, unfortunately, exclude a large number of students that need the help. The process is restrictive to the point where only 2 districts in our ESD applied.
- I do not feel I have sufficient information to make a recommendation. I do feel that special education programs should be fully equipped with the curriculum, supplies, furniture and staff required to meet each student's IEP. This should include reinforces, fidgets, velcro, laminating film, printers, ink and all the other supplies required to effectively manage a self-contained special education classroom. Teachers should not have to spend their own money to run their classrooms.

- not enough knowledge to respond
- I do not have enough experience with the excess cost multiplier to make a recommendation based on data.
- I would recommend a survey be conducted --how much money do most districts spend on special education from their general funds? That amount should be used to determine the average shortfall in state and federal sped funding versus expenses, and the multiplier should be increased sufficient to close that gap. It would be great if sped directors state-wide could stop their annual routine of asking for more funding from general education.
- 1.2% based on the costs of educating students with IEPs
- Using K-12 as the model fails to take into consideration prek and 18-21 unfunded mandates that add additional financial burden. The minimal amount provided for prek has little to no impact on student-driven need.
- You need to increase the cost multiplier to pay these support staff for there training, extremely difficult job and meetings they should be part in order to be on the TEAM for these students. IT should NOT be...you get a support staff and the teacher will need to find time during the school day to train you, review data and fidelity with you, retrain if necessary, meet will all other professionals working with the child etc...each child has unique needs and every person on the TEAM for that child should be valued and respected for their contribution and knowledge of the child. The "extra support" staff are often the person who the child is with the majority of the school day.
- The current multiplier doesn't even come close to helping us meet the needs of our students with high needs when you factor in all the services and rising staffing costs. My recommendation would be to increase it to 2.0 percent, especially since our district relies heavily on levy money to supplement basic education. If you're in a district that is property poor like I am, you end up with less that you can ask for from basic ed. funds, so safety net funds are a true lifeline.
- I am not certain.
- Given that special ed is about 50% funded by general ed dollars in many districts, how about a multiplier that is 1.5-2% of the BEA?
- No comment. I am sure there are people out there who understand this more deeply and would have better ideas to share.
- This is a complicated question. What I know is, special education is not fully funded in WA state. If the student has a qualifying disability, the district should be funded and not capped at 13.5%. Funding for basic ed students isn't capped -- if the student lives in the district and enrolls, the district is paid. SpEd should be along the same lines. Districts

cannot control what families with however many special ed children live in their boundaries and enroll their children.

- It should be at least 1.0 because it needs to fully fund all safety net needs.
- We have yet to come in on budget in our district. As I talk with colleagues around the state I'm not aware of a district who is serving special education students who is not running over their budget. I would be curious as to the statewide average of budget overrun's in special education and start there with that percentage. It would be nice to have the state and feds pay for what they are requiring us to accomplish.

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